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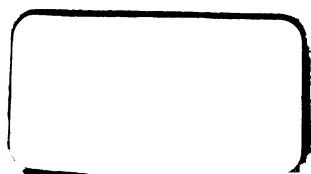
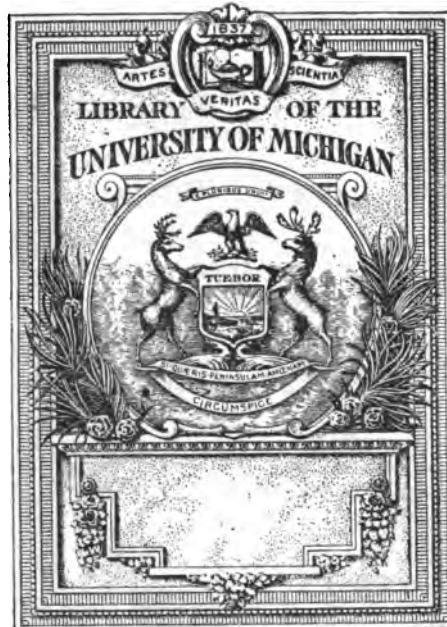
THE BOUNDARY DISPUTE
BETWEEN
ECUADOR AND PERU

BY

PASTORIZA FLORES, A. M.

*Submitted in Partial Fulfilment of the Requirements
for the Degree of Doctor of Philosophy
in the
Faculty of Political Science
Columbia University.*

NEW YORK,
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PREFACE.

The purpose of this treatise is to describe and explain to English-speaking readers the essentials of what is possibly the most complicated boundary question in Hispanic-America today. In composing the work the basic idea has been, not to insert a series of translations of documents accompanied by a slender thread of exposition—which would have meant mainly a compilation—but to indicate, in a form that while brief will be clear of comprehension, the nature, origin and development of the matter. Although in the concluding chapters an effort is made to estimate the issues involved, the primary object remains that of a historical, rather than that of a legal and diplomatic, presentation of the subject.

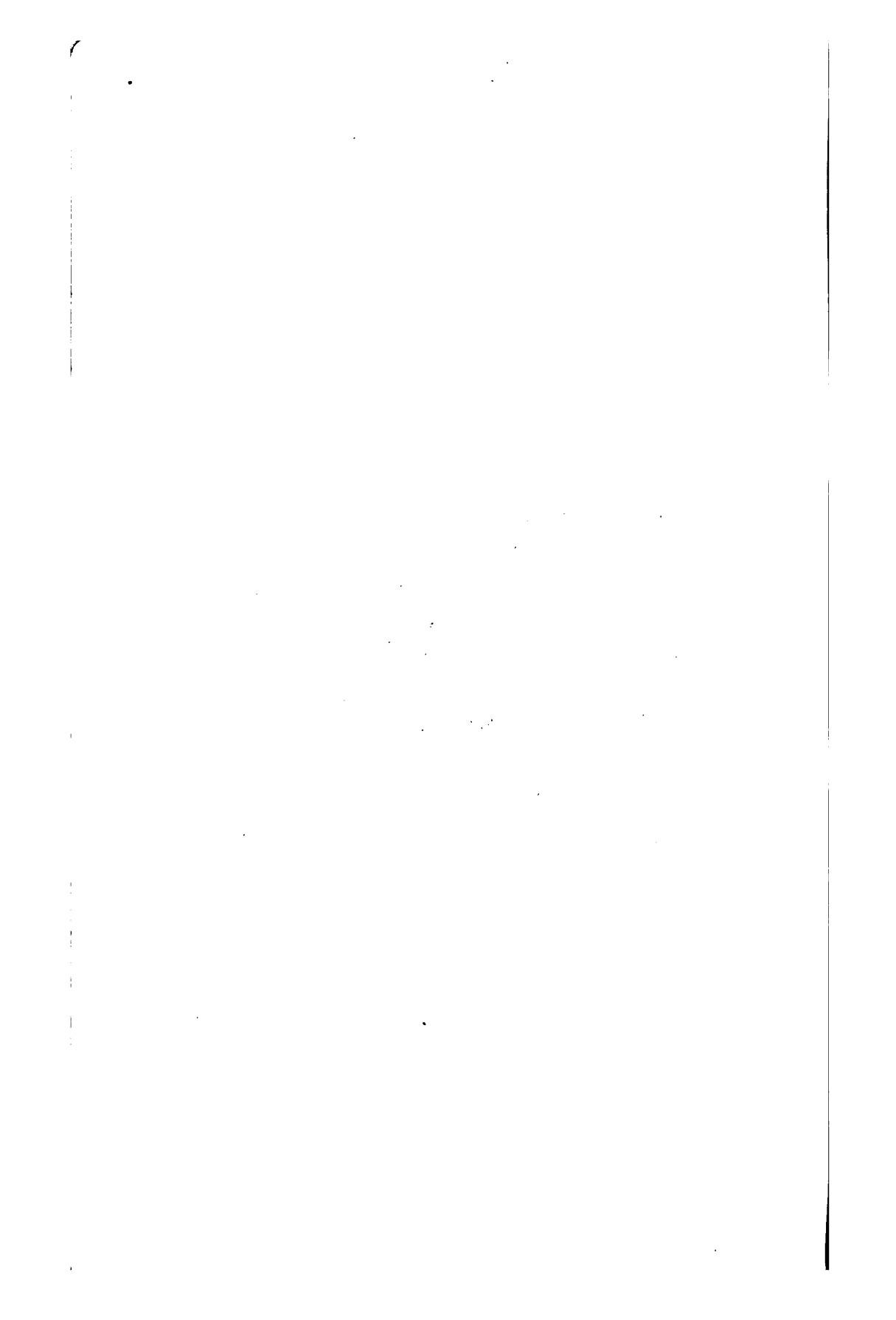
About the dispute there has been practically nothing written in English. The works in Spanish as a rule have been legal, technical and controversial in character. From them, and from documentary material available the problem has been a difficult one of selecting what may serve the purpose of a historical mode of treatment. I have endeavored, accordingly, to sketch the historical background, describe the region contended for, indicate the origin and development of the actual dispute, and present the arguments made by the respective parties.

In this connection, I wish to record my indebtedness to Professor William R. Shepherd for his valuable guidance and suggestions and for his untiring patience and encouragement—a recognition that no matter how explicit I might make it, will not fully express my gratitude and appreciation.

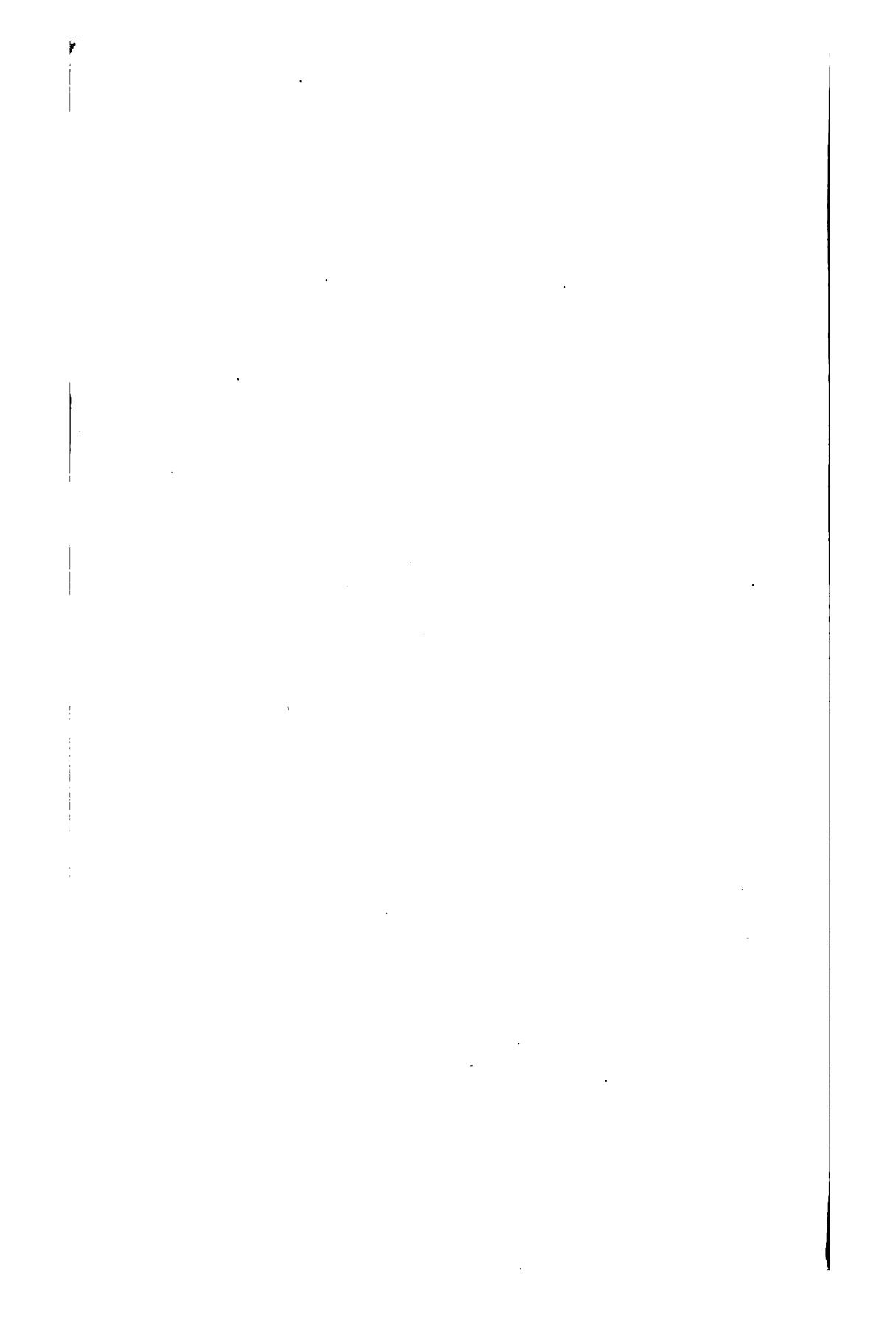
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**The Historical Background:
Ecuador as a Spanish Colony**



CHAPTER I.

THE HISTORICAL BACKGROUND: ECUADOR AS A SPANISH COLONY.¹

Prior to the arrival of the Spaniards, Ecuador appears to have been inhabited by some fifty independent tribes among which the Quitus held the most important position, centered about what is now the city of Quito, and extending over an area of about fifty square leagues. About 280 A. D., the Caras, a foreign tribe of unknown origin, are said to have forced their way inland from the coast up the valley of the Esmeraldas and founded the town of Caráquez. Gradually they expanded the area of their central region until they reached Quito, where they implanted their type of life and definitely settled for about 1200 years, when the region was conquered by the Incas and annexed to their dominion in what is now Peru. Thus the Inca Empire reached its greatest territorial extent, stretching from Angas Mayu, now in Colombia, to the river Maulé in the present Chile.

¹ Condensed from P. F. Cevallos, *Resumen de la Historia del Ecuador desde su Origen*; F. González Suárez, *Historia General de la República del Ecuador*.

When the expedition of Francisco Pizarro came to San Mateo near the mouth of the Esmeraldas river in 1526 the Spanish warriors saw cultivated fields, huts and a few curious spectators, astonished at the sight of the approaching strangers. They encountered also a boat full of Indian traders, who told them of great stores of wealth in gold and silver in the palace of the chief at Tumbes. Meanwhile, Pizarro himself, who had penetrated inland to the river San Juan, returned in a mood of discouragement which was promptly succeeded by joy over such good news. Prudence, however, suggested the desirability of obtaining help from Panama before entering upon the occupation of the region. Pizarro, accordingly, in agreement with his partner, Diego de Almagro, was to remain at the Island of Gallo, awaiting reinforcements.

When Huayna Capac, the Inca ruler, heard of the appearance of the strangers on the coasts of his empire, he started at once for Quito, where he arrived ill. Knowing that he had not long to live, he decided to divide his realm into two parts, leaving the southern dominion, with its capital at Cuzco, to the heir apparent, Huascar, and the kingdom of Quito to his favorite son, Atahualpa. Very soon, however, war broke out between the two, owing to Huascar's pretensions to supremacy over the entire empire. By 1531 Atahualpa had triumphed, and had reunited the Inca realm, though seriously weakened by the prolonged struggle. The fortunate monarch, however, did not enjoy his success. Pizar-

ro and the Spaniards were already at the door, and by 1533 the fate of the country was sealed.

From Caráquez, where they collected gold and emeralds, the Spanish conquerors followed the coast of Manabí up to the island of Puná. Here at first they were well received, but their exorbitant demands compelled the islanders to rise in arms against them. When the newcomers learned of the struggle between Atahualpa and Huascar, they seized the opportunity for intervention. At Túmbez, however, where some of the Spaniards were treacherously killed, Pizarro decided to save his forces for a bolder enterprise. He stationed himself at Paita, a strategic point further to the southward, and with 100 soldiers and 70 horses started upon his famous expedition for the conquest of Peru. The events of this undertaking, as well as the fate of Atahualpa, are too well known to be repeated here.

With the conquest of Peru the personal and despotic government of the Incas came to a close. It was replaced by anarchy. Rumiñahui (stone-face), an Indian leader, well-known for his valor and cruelty, had come to Quito with his followers in the early months of 1533 to take possession of power for the time being, but with the intention of succeeding Atahualpa. In vain were the attempts of the native nobles to induce Rumiñahui to surrender the treasures there as ransom for the Inca chieftain. They sent, however, their own personal wealth for the purpose. On the way they met Hernando Pizarro to whom they surrendered the treas-

ures and in return received the body of the Inca, which they took to Quito. Rumiñahui treacherously killed the nobles at a banquet and proclaimed himself king. The chiefs of the army were changed. Many of the leaders would not pledge allegiance and preferred to fall into the hands of strangers rather than yield. The Cañares, another tribe, opposed Rumiñahui and allied themselves with the Spanish captain, Sebastián Benalcázar, who was then marching northward from Peru at the head of 140 soldiers.

Guided by the Cañares, the Spaniards reached Loja. Many Indians joined them on the way and brought them provisions and information. In a preliminary encounter, the natives lost 600, and the Spaniards three. Rumiñahui thereupon raised an army of 11,000, which defeated Benalcázar. On the night of the battle, however, Mount Cotopaxi was in eruption. The terrorized Indians who had never seen such a spectacle before fled, practically leaving the country to the invaders.

Benalcázar entered Liribamba (Riobamba) which had been abandoned. Many Indians pledged themselves to him. In the meantime Rumiñahui laid waste the country as he passed on to Quito. He buried his treasures that have since become a source of many legends, burned the town, and fled to the mountains of Llanganate.

In December 1533, Benalcázar entered Quito which was in complete ruins. For his great privations he consoled himself with having gold dug from

the tombs. Leaving the cruel Juan de Ampudia in charge there, he returned to Riobamba in 1534 to establish there the capital of the Spanish dominion.

Meanwhile Pedro de Alvarado landed with many Spaniards at the Bay of Caráquez in March of the same year. From Portoviejo he determined to go to Quito, which he supposed had not been conquered. Guided by an Indian, he passed through the forests and reached the river Daule where his guide left him. After many privations and the loss of a fourth of his men, he reached the central plains. Almagro, on the other hand, sent up by Pizarro, joined Benalcázar and made the necessary preparations to resist Alvarado, who compromised and returned with a large sum of gold to Guatemala, which he had conquered some years before. Quisquis, the last general of Atahualpa to attempt a restoration of the empire, fled from Almagro and was defeated by Benalcázar, who tried his best to repopulate Riobamba, while Ampudia in his search for gold oppressed the Indians most cruelly.

These abuses ceased with the arrival of the conqueror, who took possession of Quito December 6, 1534 in the name of the Spanish king. Here Benalcázar organized a government, rebuilt the principal towns, such as Latacunga, Ambato, Mocha, Chimbo, Alausí, Cañar, Cayambe, Otavalo and others, while the Indians submitted to the new masters.

Later, Benalcázar founded the posts of Manta and Guayaquil, leaving Diego Daza as governor there. He then returned to Quito. He carried out

an expedition in 1536 to Canelos and Quijos which were famous for their riches. In the meantime Guayaquil had been destroyed by the Indians. On hearing this, Pizarro sent Zarea from Lima to restore order. Guayaquil was then founded for the second time. The Indians regained their independence once more until for the third time the town was founded in 1537 by Francisco de Orellana.

Benalcázar extended his conquests northward to Popayán, in the present Colombia, discovering the rich regions of the Cauca River. He also discovered the Magdalena River and in 1538 established San Sebastián de la Plata. After three years absence, he returned to Quito, which he found large and prosperous under the leadership of Juan Díaz de Hidalgo. Benalcázar continued his way to Lima with great wealth as the result of the exploration of the mines. He had under his command the lands that he had just conquered from Pastos to the north, while the kingdom of Quito was entrusted for a while to Gonzalo Pizarro.

It was not until after the arrival in 1546 of Pedro de la Gasca, a Spanish ecclesiastic of great ability to whom the duty had been entrusted of establishing order in the newly conquered regions, that the boundaries were determined for the provinces of Popayán and Quito, and the various dioceses into which they were divided. The bishop of Quito, whose diocese had been erected in 1545, received the territory from the River Mayo on the north to the sixth degree of latitude on the south, including within his territory

the province of Pastos, on the north, all those of the kingdom of Quito in the centre, and that of San Miguel de Piura in the south.

As soon as the rivalries and struggles of the period of the conquest had been suppressed, what is now known as Ecuador was organized in 1563 under the name of the Presidency of Quito, commonly called the Kingdom of Quito, and comprised a far greater territory than does the present republic. It included on the north, Pasto, Popayán, Cali, Buga and Buenaventura. On the south it stretched as far as Paita and Jaén, and on the east, as the towns of Canelos and Quijos up to the mouth of the Yavarí River. Politically, until the eighteenth century, it formed part of the viceroyalty of Peru, and thereafter, of the viceroyalty of New Granada, which comprised the "audiencias" of Quito, Santa Fé de Bogotá and Carácas. The local government of the province was entrusted to a board of magistrates known as the "audiencia". In political and military matters, Quito was subject first to the viceroy of Peru and later to the viceroy of New Granada, and in ecclesiastical matters to the archbishop of Lima.

In general the life in Ecuador during the colonial period was a peaceful one. The religious orders, and in particular the Franciscans, Dominicans, Augustinians and Jesuits, extended their quieting and civilizing forces far into the erstwhile land of the Incas. On the sea coast there were occasional assaults by pirates. About 1624 the viceroy of Peru, Ariola, sent troops to punish them. In 1709 the Englishman

Clipperton bribed the "corregidor", or local magistrate, of Guayaquil and sacked the city. In the latter part of the eighteenth century the English sacked Atacames and Esmeraldas.

Among the flourishing towns of the time, in addition to Quito and Guayaquil, were Mocoa, Avila, Archidona, Mendoza and Sevilla de Oro. Whenever the Indians rebelled, many of the inhabitants took refuge in Quito. On one of these occasions, in 1602, the Jesuit Father Ferrer was despatched to deal with the Indians. During the course of his activities he founded San Pedro de Cofanes, explored the Amazon and discovered the Putumayo. The savages rebelled once more. In Logroño 12,000 and in Sevilla de Oro 19,000 Europeans and natives are said (with some exaggeration) to have perished. But on the whole, between 1550 and 1809, the number of uprisings was scant and few of them were at all serious.

In general the presidents of the "audiencia" of Quito paid little attention to education. It was the religious orders that did so. In 1589 the first course in philosophy was started. Five years later the Jesuits founded at the capital town the College of St. Louis, and in 1620 the University of St. Gregory. The Franciscans in 1567 and the Dominicans in 1688 also had colleges of their own. In 1786 the Dominicans united the University of St. Gregory with a new one under the name of St. Thomas. Still another university founded during the colonial period was that of San Fulgencio. There were thus

three universities in spite of the relatively small population. At the close of the seventeenth century, furthermore, Mateo de Mata Ponce de León established an orphanage and was greatly interested in the education of the Indians, trying to have them learn Spanish.

The Jesuits placed at the head of their educational institutions competent men brought from Spain and France. Among them was José Pérez Dolama, who in the latter part of the eighteenth century presented 525 books to one of the universities, and founded the first Society of the Friends of the Country (Amigos del País), an organization designed to promote the social and economic welfare of the country. In June 1736, certain French and Spanish scientists arrived at Quito to measure an arc of the meridian at the equator. Among them was La Condamine.

Pedro Fermín Cevallos, the historian of Ecuador, mentions three personages of great intellectual prominence during the colonial period. The most noteworthy of them was Pedro Vicente Maldonado, born in Riobamba in 1709. Upon completing his studies in the college of St. Louis, he took up astronomy and geometry. Maldonado explored the coastal forests and opened up a road from Quito to Esmeraldas. He founded towns, and collected facts about natural history. At Quito he met the Spanish and French scientists. Following their observations, he traced his famous map of the kingdom of Quito (Mapa del Reino de Quito) which has been the basis of sub-

sequent maps. He travelled through the Oriente and accompanied La Condamine across the continent to the Pará River.

Relatively stable as conditions in the present Ecuador during the colonial period were, the desire for independence toward the close of the eighteenth century began to manifest itself there as elsewhere in Spanish America. The example of other colonies and the news of Napoleon's invasion of Spain, as well as local discontent, heightened this desire. There were good leaders among the intellectual classes and sufficient energy to carry out their ideals. At Quito, for example, Espejo and Montúfar, entered into hearty cooperation with Marino and Zea, the leaders of the revolutionary movement at Santa Fé de Bogotá; and it was at Espejo's suggestion that the political association called the "Escuela de Concordia" was instituted at the capital town. In 1808 several of the prominent men of Quito met at a farm in the valley of Chillo near the city to plan out an insurrection to throw off the Spanish yoke. The revolution which occurred on August 10, 1809, lacked popularity in spite of its excellent leaders. The people at Popayán, Cuenca, and Guayaquil protested against a rebellion at this time when Spain was in so much distress. It is doubtful indeed whether the movement for independence had gained much headway anywhere. The insurgents at all events were taken prisoners and many of them were killed.

It would seem partly as a result of the outbreak and partly for other reasons that the Council of Regency

in Spain authorized an election of members from the colonies to the Cortes at Cádiz. In preparation for it Carlos Montúfar, of Quito, son of one of the insurgents of the revolution of 1809, and Antonio Villavicencio, were the representatives chosen from the viceroyalty of New Granada at large. Montúfar, however, who was well-received at Quito, considered the cause of independence worthier than that of the old régime, notwithstanding the confidence shown him by the Regency.

Nearly all the members of the governing junta then elected had taken part in the attempt for independence, and accordingly declared themselves to be independent of the Spanish Regency. Several royalists, including the president of the audiencia of Quito, Count Ruíz de Castilla, were assassinated. His successor, Toribio Montes, defeated the patriots, and in 1813 the Spanish constitution was accepted and the second attempt for independence crushed.

New revolutionary movements took place, and in 1820 Guayaquil, Ambato and Latacunga took up the cry of liberty. In spite of several defeats, the contest continued till at length, under Antonio José de Sucre who had been sent to their assistance by Bolívar and reinforced by a Peruvian contingent under Andrés de Santa Cruz, the insurgents gained a complete victory, on May 22, 1822, in a battle fought on the site of Mount Pichincha, near Quito, at a height of 10,200 feet above sea level. Two days later the Spanish president at Quito, Melchor de Aymeric, capitulated, and the independence of the

country was secured. A political union was at once effected with New Granada and Venezuela on the basis of the republican constitution instituted at San Rosario de Cúcuta in July, 1821—the triple confederation taking the name of Colombia.

It was in connection with the annexation to Colombia that the memorable interview between Bolívar and San Martín took place, resulting in Bolívar's aid to Peru, while General Sucre was to undertake the organization of Ecuador. The people of Guayaquil, however, began to distrust what seemed to be an imperialistic policy on the part of Bolívar and were discontented in general with the Venezuelan and Granadine leaders. They accordingly declared themselves independent in 1826. To suppress the insurrection, General Juan José Flores came from Quito and Cuenca with 1,300 men, but did not need them, since a counter revolution had reduced the town to obedience. A disagreement with Peru in 1828, furthermore, resulted in Colombia's declaring war on Peru and the temporary occupation of Cuenca and Guayaquil by Peruvian forces; but peace was restored in 1829 when the Colombians took Guayaquil and invaded the province of Loja. Both town and province were recovered by Sucre and Flores in the battle of Tarqui, on February 28, 1829, important because it provided the basis for a boundary demarcation with Peru which is to the present time still unsettled.

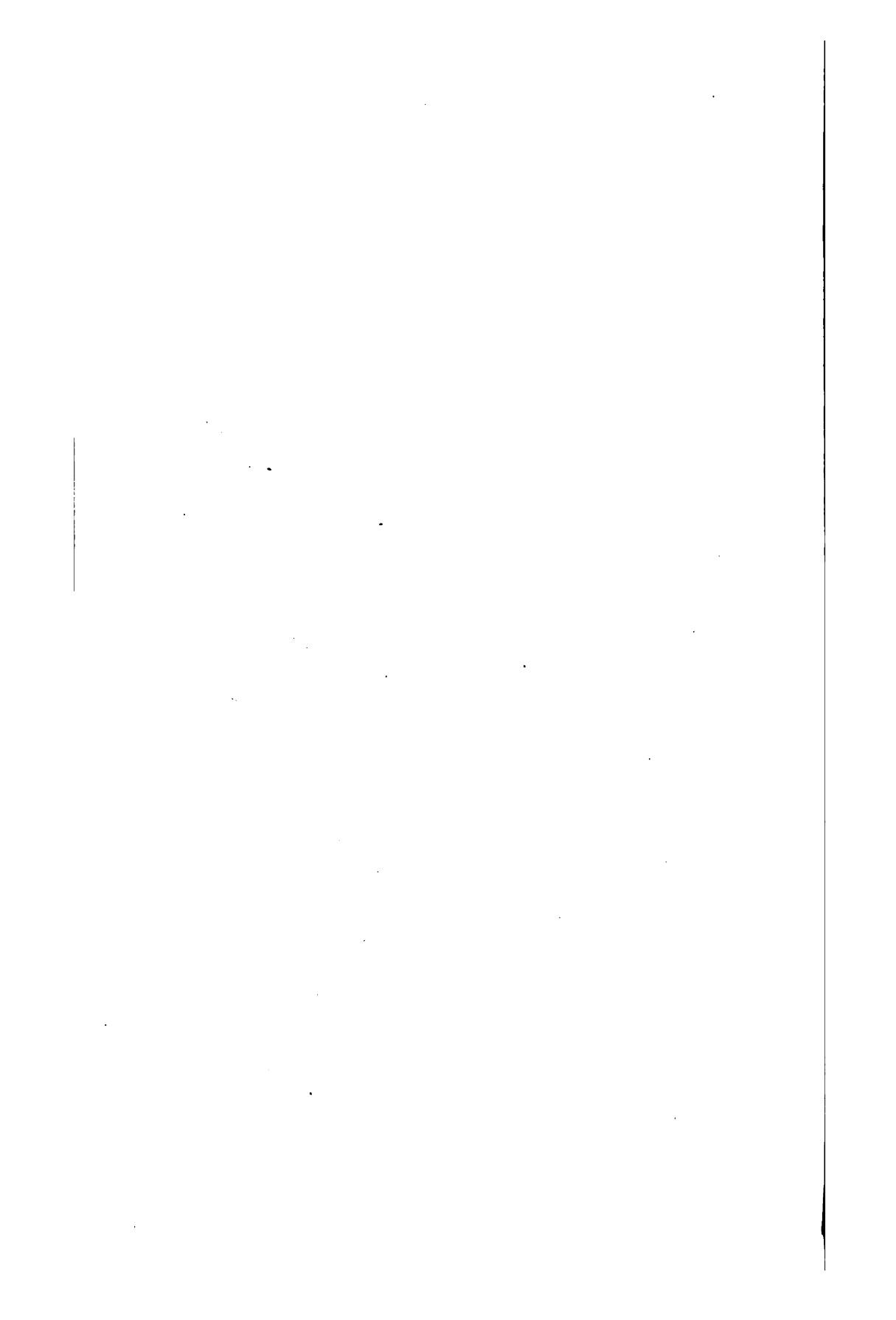
Unfortunately after the deaths of Bolívar and Sucre, there was no possible way of maintaining the

great republic which had been the work of Bolívar's genius. Deputies came together at Riobamba on August 14th, 1830, and after a short session proclaimed themselves as the Constitutional Congress of the Republic of Ecuador. General Flores was elected its first president.



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**The Oriente,
The Region Contended For**



CHAPTER II.

THE ORIENTE, THE REGION CONTENDED FOR.

The Republic of Ecuador owes its name to the equatorial line which runs through it. With a scant population of about two millions, the country, more or less triangular in shape, is bounded on the west by the Pacific Ocean, on the north by Colombia, on the south by Peru, and on the east by Brazil. Topographically it presents many interesting features. The Andes which cross the country in lines parallel to the coast divide it into three distinct regions. Lying between the coast and the foot of the Andes is the littoral or coast zone, known as the cis-Andine region. The inter-Andine area embraces the precipitous slopes, the tablelands and the slender peaks of the Cordilleras. Forming the upper part of the Amazon basin is the trans-Andine region, commonly called the Oriente, which reaches from the Cordilleras to the eastern boundary of Ecuador.¹

Nature has endowed the cis-Andine region with one of the most fruitful fluvial systems in the whole of tropic America—that of the Guayas River and

¹ *Bureau of American Republics, Ecuador*, pp. 1, 8.

its affluents, traversing a district that produces a large portion of the world's supply of cocoa and chocolate. This system of waterways, together with the Gulf of Guayaquil, which is the only great indentation in the whole Pacific coast of South and Central America, creates the most fertile part of Ecuador.

In the inter-Andine region nothing can exceed the grandeur of the great avenue of snow-capped volcanoes which crosses the country. Through these rugged regions pressed the Spaniards with the sword and the cross. It was from Quito that the intrepid explorers from Spain first reached the region of the Oriente.¹ Descending the eastern slopes of the Andes, they found and embarked upon the great Napo River, and always seeking for El Dorado, emerged upon the mighty Amazon, navigating for the first time its 3,000 miles' course to the Atlantic—a voyage which, because of its risks and hardships, has few equals in the history of inland explorations. In the Oriente the climate varies with the altitude, and within a short distance there is a marked change in temperature from the warm and almost tropical heat of the valleys to the cool mountain breezes of the plateaus. Accordingly, the products vary with the locality. From this region Ecuador receives its supply of grain and cereals.

Below the foot of the Andes, where the rivers which foam down from the Cordilleras become

¹ *El Comercio*, Year XVI, No. 5496, Quito, Jan. 9, 1921.

navigable for canoes or steamboats, the country presents enormous tree-covered plains, only broken by relatively small undulations. The soil of the Oriente is virgin, a great contrast between the Andes and the coast. It is a paradise-like region, covered with vast and valuable forests of hard woods. Cinnamon and other spices, cinchona, vanilla, salt, rubber and cotton are found there. The Oriente is full of places where gold can be dug out of the streams and sifted. These places, called gold-washers, have been famous since the sixteenth century. The Oriente is a region where animals and birds run wild, where savages live without law or justice, given to fishing and hunting in the most primitive manner. As the Ecuadorian population increases, the coast and inter-Andine regions will necessarily depend more and more on the products of the Oriente for their development.

Next to Uruguay and Paraguay, Ecuador is the smallest of the South American republics. It is impossible to estimate the area of the country, because its southern boundaries are not yet definitely determined.

Of the area in dispute Peru at present occupies the following portions: (a) in Tumbes, the region between the River Tumbes and the River Zarumilla, estimated at 513 square miles; (b) in Jaén, the region between the right bank of the Chinchipe River and the left bank of the Marañón or Amazon, totaling 3,242 square miles; (c) in Mainas, all the right

bank of the River Amazon, amounting to 41,380 square miles.¹

It is seen, therefore, that the territory disputed with Peru, and which that nation has seized, totals some 46,000 square miles. It must be admitted that a considerable portion of this territory is altogether remote from centers of civilization. That fact, however, has not lessened the ardor of the disputants for its acquisition; for the development of the region, now backward and practically unknown, may, as it will be pointed out later, prove of incalculable benefit to its possessor.

The character of the soil of the Oriente region and the varied products extracted from it have been described above. Alone they would be sufficient to attract a land-hungry nation; but outweighing them in economic importance, and as a prize worthy to be striven for, is the system of waterways which intersects the area in question.

From the numerous ravines which nature has cut in the western Andes there flow down the slopes of the mountain rapid streams that cross the Oriente plains in roughly parallel lines from northwest to southeast. All empty one after the other into the Marañón or Amazon, on the western boundary of the great Amazon basin. Enumerated in their order from west to east, these rivers are: the Chinchipe, the Santiago, the Morona, the Pastaza, the Tigre, the Napo and the Putumayo.²

¹ C. Reginald Enoch, *Ecuador*, p. 92.

² Felicísimo López, *Atlas Geográfico del Ecuador*.

For the greater portion of their length these rivers are open to navigation by steamers, in some cases only by boats and canoes. The Morona, Pastaza, Tigre and Napo are for the most part wide, deep and fast flowing streams which give ample access to the forest and rubber lands of the region they traverse. Of these the Putumayo, the most northern, is the largest. This river traverses a tract of territory which was the scene of terrible atrocities practiced upon the Huitoto Indians by the rubber merchants who worked under the auspices of a company of Peruvian origin, floated in London with a capital of \$1,000,000 and having a British board of directors. The inquiry which took place before a committee of the House of Commons in 1913 resulted in the censure of the British directors, and the company was wound up.¹ Close by runs the Napo, the next largest river, which has its source on the slopes of the eastern volcanoes, Cotopaxi, Antisana, Sinchalagua, and Quilindana. It was for a long time considered to be the *Río Madre*, or longest tributary of the Amazon fluvial system, until further explorations determined the existence of the more extensive affluents of the Amazon in Brazil and Peru.

With the exception of the negligible Chinchipe, the Santiago is the largest river in the southwestern part of the Oriente. It rises in the town of Loja on the Zamora River and passes through the eastern

¹ *The Times, South American Supplement*, April, 1913.

Cordillera, flowing east and then southeast. Some ten leagues from the Cordillera the valley widens and forms what may be regarded as one of the largest oriental plains of the country. The Santiago running south and southeast, falls into the Marañón, near the celebrated Manseriche *pongo* or rapids.

Between the Napo and the Santiago lie, on the one hand, the Morona, which because of its serpentine windings covers a stretch of three hundred miles, although measured in a straight line, of only 120 miles, and was navigated for the first time by the Ecuadorian, Victor Proaño, in 1861; and, on the other hand, the Tigre traversing the plains' region and navigable for steamers for over 400 miles from its mouth. With its remotest tributaries rising in the Cordillera, the Tigre reaches a total length of 1,800 miles of available waterway and consequently is an extremely valuable river route for Ecuador.¹

The Marañón, commonly known as the Amazon, "swell'd by a thousand streams, impetuous hurl'd from all the roaring Andes," may properly be classified in its upper reaches as a river of the Oriente region. Indeed this portion of the river is shown by some maps as belonging to Ecuador, particularly that appearing in *Bulletin* No. 64 of the International Bureau of American Republics.² The *Bulletin* describes Ecuador as extending to 5° 30' south latitude, a line which clearly would embrace the upper Amazon within Ecuadorian jurisdiction. The far earlier

¹ Encyk., *op. cit.*, p. 92.

² Washington, 1894, p. 2.

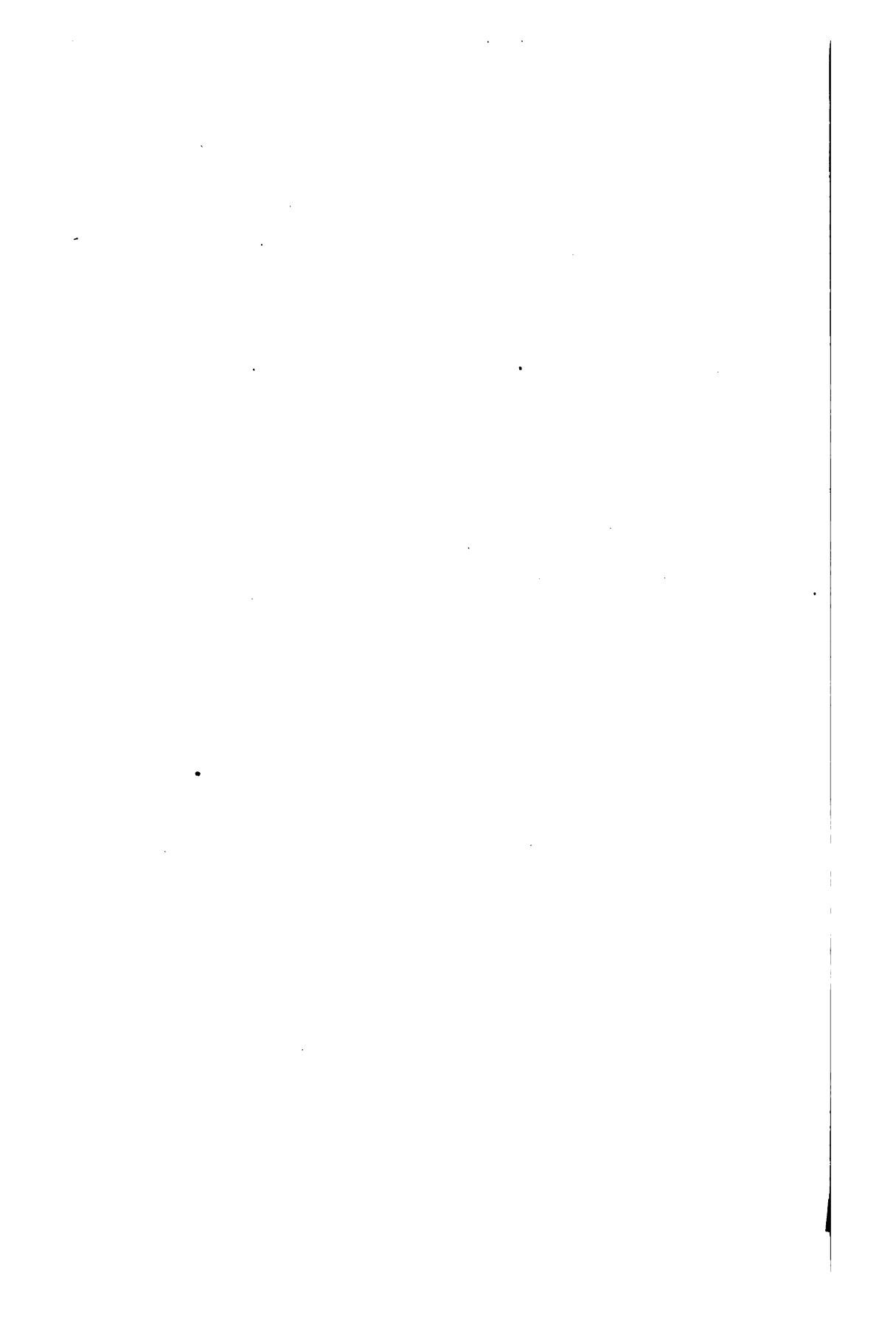
map, known as the great map of Fray Enrique Vacas Galindo, of the Dominican Order, also shows Ecuador as extending to the Marañón.

The waterways of the Oriente have been described in some detail because they form the most distinguishing feature of this region. By reason of the great number of rivers, their length and winding courses, the land is irrigated in all parts, thus rendering the soil productive and fertile. Its possible productivity, as a matter of fact, in view of the marvels performed by modern science, is incalculable. The value of what it may bring forth obviously is enhanced by the navigability of the numerous streams which make possible, available, ready and inexpensive transportation to centers of commerce, even from the very interior. Not only do the rivers afford means of communication toward the western coast, but flowing as they do into the Amazon, they may bear commodities in uninterrupted course from the remotest parts of the Orient down into the Amazon and so to the Atlantic Ocean.

From a political and military point of view, as contrasted with the economic, the Oriente region can be of little importance to its claimants, although it could be contended with justice that the assignment of this region to Ecuador would give the latter the natural boundary of the Amazon which it once held. With the Pacific Ocean on the west, the Putumayo on the north and the Amazon on the south, Ecuador would be securely wedged within these natural barriers. But the supreme value of

the region is clearly economic, and it is this consideration that whets the desire of the contending nations for its acquisition.

**The Origin of the Dispute:
From the Revolution to the Treaty
of 1829**



CHAPTER III.

ORIGIN OF THE DISPUTE: FROM THE REVOLUTION TO THE TREATY OF 1829.

During the earliest period of Spanish control of what are now Ecuador and Peru, the boundary between the two was not accurately fixed, but the treaty of 1829 definitely settled the boundary between the two nations. This treaty, however, has not been kept by Peru. On the basis of the foregoing chapters, it will be the purpose of the inquiry in this chapter and those immediately following to trace the origin and growth of the boundary dispute up to the present time, to study the efforts that have been made to adjust it, and to appraise the relative merits of the contending claims.

After South America had been explored and colonized by the Spaniards, the king of Spain for administrative purposes, divided the newly discovered territory into viceroyalties, "audiencias," "captaincies general" and "presidencies." By "real cédula", or royal decree, dated November 20, 1542 and confirmed by subsequent decrees, the emperor Charles V created the "audiencia" of Lima and

declared its bounds to be the following: the Pacific coast as far the kingdom of Chile on the south and up to Paita inclusive on the north, and inland as far as San Miguel de Piura, Cajamarca, Chachapoyas, Moyobamba and Motilones, inclusive.¹

In 1563, similarly, the "audiencia" and presidency of Quito was established. This division embraced within its limits territories now lying roughly within Colombia, Ecuador and Peru, and also the provinces of Jaén, Mainas and Quijos, which constitute the Oriente region, the bone of contention between Ecuador and Peru.

The Province of Quito, declares the "real cedula", was to extend "along the coast in the direction of the city of the kings (Lima) as far as the port of Paita exclusive, and its inland territory as far as Piura, Cajamarca, Chachapoyas, Moyobamba and Motilones exclusive, including..... the towns of Jaén, Valladolid, Loja, Zamora, Cuenca, la Zarza and Guayaquil, with all other towns lying within their districts or that later might be settled, and in the direction of the towns of La Canela and Quijos; let the said towns be included with others that might be discovered....."² From the language of the decree it is apparent that the southern boundary of the province was not strictly delimited; on the contrary, it was vague and fluctuating, since the settle-

¹ *Recopilación de Leyes de los Reinos de las Indias*, Lib. II, Tit. XV, Ley V.

² *Recopilación*, Lib. II, Tit. XV, Ley X.

ment of the new towns or the discovery of new territory would enlarge the boundary.

However, by the royal decree of 1740 the boundary line between the viceroyalties of Peru and New Granada, in the latter of which the "audiencia" of Quito had just been incorporated, was fixed in the following manner: "From Túmbez on the Pacific, the line is to follow through the mountainous district and Cordillera of the Andes along the territory of Paita and Piura to the Marañón as far as 6° 30' south latitude, and thence inland, leaving to Peru the territory of Piura, Cajamarca, Moyobamba and Motilones, and along the cordillera of Jéveros crossing the Ucayali River, thence 6° south latitude as far as the confluence of the Javari to the Solimoes or Amazon, following this river to the western mouth of the Caquetá or Yapurá to the Brazilian boundaries."¹

No change of importance occurred until the year 1802, when on July 15 the king of Spain issued a decree, separating for ecclesiastical purposes the provinces of Mainas and Quijos, except Papallacta, from the viceroyalty of New Granada, within which the "audiencia" of Quito had been included for upwards of sixty years and transferring them to the viceroyalty of Peru. This act of transfer requires some explanation.²

The Spaniards were not only discoverers and ex-

¹ N. C. Ponce, *Límites entre el Ecuador y el Perú*, pp. 10-11.

² Honorato Vázquez, *Memoria Histórico-Jurídica sobre los Límites Ecuatoriano-Peruanos*, segunda edición, pp. 11-28.

plorers, but also missionaries. One of the greatest centers of the work of converting the Indians to Christianity was found in Mainas. The missionaries were in constant need of protection from the natives as well as from the Spanish explorers and colonists themselves. Accordingly, in March and April, 1799, Colonel Francisco Requena, former governor of Mainas,¹ suggested in memorials addressed to the Spanish government that it would be better for the spiritual and temporal welfare of the missions on the Ucayali and Guallaga Rivers, to be separated from the viceroyalty of New Granada and annexed to that of Lima.² Owing to the distance of the missions from the seat of the viceregal government at Santa Fé (Bogotá) and to their relative nearness to that at Lima, they could receive greater attention and quicker help from the latter. Moved by these considerations, the king decided to place the province of Mainas and the towns of Quijos, except Papallacta, under the control of the viceroy of Peru.

This procedure, however, signified no formal transfer of political power. It was intended merely as an administrative measure for ecclesiastical purposes. This is evident from the fact that in the very decree which separated Mainas and Quijos from Quito there was a provision constituting those regions into a bishopric under the supervision of the arch-

¹ M. de Mendiburu, *Diccionario Histórico del Perú*, Vol. 7, pp. 62-65.

² Américo Latino, *La Cuestión de Límites entre el Perú y el Ecuador, Apéndice*, No. 1. pp. 88-90.

bishop of Lima.¹ Furthermore, the president of Quito was not notified to refrain from exercising his administrative authority over them.²

Such shifting in the boundaries of royal provinces for administrative purposes was not uncommon in Spanish colonial history. On February 2, 1742, for example, the king separated the captaincy general of Venezuela from the viceroyalty of New Granada,³ but there was no severance of political authority on the part of the viceroy over the entire dominion committed to his charge. By a decree of September 8, 1777, moreover, the provinces of Cumaná, Guayana and Maracaibo, together with the islands of Trinidad and Margarita, were to be withdrawn from the viceroyalty of New Granada and annexed to the captaincy general of Venezuela. The latter had jurisdiction over administrative and military matters, while those relating to finance were under the control of the intendency newly erected in that area.⁴

Nor is there lacking further evidence to show that this severance of Mainas from the "audiencia" of Quito was not considered an absolute political separation. Thus, by the law of territorial division of June 25, 1824, the Republic of Colombia, which

¹ Mariano H. Cornejo y Felipe de Osma, *Memoria del Perú en el Arbitraje sobre sus Límites con el Ecuador presentada a S. M. el Rey Arbitro*, pp. 26-27; *Documentos Anexos a la Memoria del Perú presentados a S. M. el Real Arbitro*, Vol. III, pp. 260-261.

² M. Vázquez, *op. cit.*, pp. 11-28.

³ S. Alvarez Arteta, *La Cuestión de Límites entre las Repúblicas del Ecuador y del Perú, Apuntes y Documentos*, p. 322.

succeeded the former viceroyalty of New Granada, expressly included within its boundaries all the territory that is now in dispute between Ecuador and Peru. Totally ignoring the cédula of 1802, this law of 1824 distinctly mentions Mainas, Quijos and Jaén as forming part of the domain of the republic. The relevant provisions of the law are as follows:

Article 11. The Department of Ecuador comprises the provinces: 1) of Pichincha, its capital, Quito; 2) of Imbabura, its capital, Ibarra; 3) of Chimborazo, its capital, Riobamba.

1. The cantons of the province of Pichincha and their important parishes are: 1) Quito, 2) Machachi, 3) Latacunga, 4) *Quijos*, 5) Esmeraldas.

3. The cantons of the province of Chimborazo and their principal parishes are: 1) Riobamba, 2) Ambato, 3) Guano, 4) Guaranda, 5) Alausí, 6) *Mainas*.

Art. 12. The Department of Azuay comprises the provinces: 1) of Cuenca, its capital, Cuenca; 2) Loja, its capital, Loja; 3) of *Jaén de Bracamoros* and *Mainas*, its capital Jaén.

3. The cantons of the province of *Jaén* and *Mainas* and their principal parishes are: 1) *Jaén*, 2) *Borja*, and 3) *Jéveros*.¹

If the "separation" decree of 1802 had actually purported to effect a territorial and political division between Mainas, Quijos and Jaén and the "audien-

¹ Vázquez, *op. cit.*, p. 80; N. C. Ponce, *Límites entre el Ecuador y el Perú*, p. 79; Cornejo y Osma, *op. cit.*, Vol. 2, p. 148.

cia" of Quito, it is not easily conceivable that the law of 1824 would have nullified a royal decree without even mentioning it. This silence with respect to the "cédula" in question, and the express inclusion of Mainas, Quijos and Jaén within the boundaries of Colombia, reveal the true nature of the "cédula" as indicated earlier, namely, that the "separation" was not intended to be political in any sense, but basically for ecclesiastical and administrative ends. This interpretation of the "cédula" finds additional confirmation in the entire absence of any reference to it earlier than 1842, even by the most extravagant of Peruvian claimants.

When the Republic of Colombia included Mainas, Quijos and Jaén within its domain in 1824, it was in reality upholding the claim of the former presidency of Quito. The political union effected with New Granada and Venezuela had as its basis the Constitution of Cúcuta of July, 1821. This triple federation under the name of Colombia extended from the mouth of the Orinoco, on the Atlantic, southward to the mouth of the Túmbez River, between what are now Ecuador and Peru on the Pacific, including substantially the same area as that comprised within the old viceroyalty of New Granada.¹ The former presidency of Quito, accordingly, as a part of Colombia retained the same boundaries as when it formed part of the viceroyalty. Whatever claim Quito had to Mainas, Quijos and

¹ C. Reginald Enock, *Ecuador*, p. 77.

Jaén before the revolution, it could assert after the revolution. Although the dispute over the boundary line had been growing for some time, it was not until 1842 that Peru based its claim on the royal "cedula" of 1802. If the cédula had effected an actual separation, it would have been a matter of public knowledge and would not have remained obscure for such a long period of years.

The winning of independence by the republic of Colombia was not an unmixed benefit; liberty brought responsibilities as well as privileges. Among the former was the duty to determine the exact boundary line between Colombia and Peru.

The first step was taken by Colombia. Señor Mosquera, Colombia's plenipotentiary, attempted in 1823 to negotiate a treaty with Peru with regard to the disputed border line. Although the Peruvian congress insisted upon taking the matter up directly with the Colombian congress, Señor Mosquera proposed to the Peruvian government, among other things, that as a preliminary step to the establishment of a definite boundary between the two countries, it be agreed that the mouth of the River Túmbez on the Pacific be the point from which any future line might be drawn. Owing to the objection of some of the members of the Peruvian congress, Perú consented to sign a convention providing for determining the boundary, on condition that the above statement be omitted. There was no reason for so specific a point of demarcation, urged the Peruvian plenipotentiary, because in order to form

the basis for a future boundary line, it was enough to have the abstract principle of the *uti possidetis* of 1810.¹ With this emendation the treaty received the formal approval of Peru, December, 1823, but this change proved unacceptable to Colombia whose congress rejected the proposed treaty, July 10, 1824,² as might have been foreseen from the fact that in the month preceding it had already stated by law what in its judgment the boundaries were.

Simultaneously with the efforts on the part of Colombia to lay down the basis for a fixed boundary with Peru, it demanded of the latter the return of the provinces of Mainas, Jaén and Túmbez. This Peru refused to do. The matter, therefore, was held in abeyance until February 16, 1828, when the Colombian minister of foreign affairs asked the Peruvian plenipotentiary in Bogotá whether the latter was authorized to explain why the provinces of Jaén, Mainas and Túmbez were retained by Peru. The Peruvian minister answered that he had no power to discuss the question.³

It did not take long before this attitude of demand and refusal was converted into one of actual warfare. In a manifesto disclaiming any spirit of hostility towards the Peruvian people, Colombia asserted that the impeding war was directed against the Peruvian government only; and that Colombia did not wish to

¹ William Spence Robertson, *Rise of the Spanish American Republics*, pp. 286-287, 322; Alejandro Alvarez, *American Problems in International Law*, p. 22.

² Vázquez, *op. cit.*, pp. 80-81.

³ Vázquez, *op. cit.*, pp. 81-82.

spill American blood and was willing to avoid the struggle and listen to honorable peace proposals from Peru. The first act of aggression, however, was committed by the Peruvian army, which invaded Colombian territory as far as the central part of the department of Azuay. Even after the invasion of its territory, Colombia's desire for peace manifested itself. On February 3, 1829 the Colombian commander, General Antonio José de Sucre, sent a note to General José de Lamar, president of Peru, in which he proposed a basis for peace.¹ There is present in this, as in other notes exchanged between the two commanders, a touch of old time chivalry so typical of the Spanish character. General Sucre said in his note that, knowing the military and enterprising spirit of the Colombian troops, he did not feel humiliated in asking a just basis for peace negotiations; that no matter how horrible war might be, it was still worse to see an invading army on one's territory..... He added that justice was on Colombia's side, and that a government that owed so much gratitude to Colombia had invaded its territory and destroyed its towns. "Under such circumstances no matter what the result of the struggle might be, public opinion would be on our side." The second part of the note proposed that the two parties should name a commission to settle the boundaries between the two countries, that the political and civil divisions of the viceroyalties of New Granada and Peru

¹ Vázquez, *op. cit.*, p. 83.

in August 1809, when the revolution of Quito broke out, should serve as a basis, and that the two parties should agree to cede reciprocally the small territorial areas which by defects of the old lines of demarcation were a source of contention.¹

On February 7 the Peruvian president rejected these proposals and sent a counter proposal, in which he suggested that commissioners be appointed to establish the boundaries between the two republics. Besides the boundary line, there was discussed also an indemnity which Peru was to pay for the damage its invading armies had caused. Unable to come to a final agreement on either question, the commissioners departed after a discussion lasting two days. Meanwhile the Peruvians had marched farther into Colombian territory.²

At last on February 28, 1829, the Colombian and Peruvian armies met at Tarqui, where Colombia triumphed. The agreement of Girón was then signed. According to its second article, the contracting parties, or their respective governments, were to name a commission to settle the boundaries between the two nations, on the basis of the political divisions of the viceroyalties of New Granada and Peru, as they were in August 1809, when the revolution of Quito broke out. And as Colombia had previously demanded, they were reciprocally to surrender those small portions of territory that because of defects of

, 1 Vázquez, *op. cit.*, pp. 83-84.

2 *Ibid.*, pp. 85-86.

the old lines of demarcation were disputable.¹ When Sucre reported the outcome of the war to his minister of foreign affairs, he stated that, unwilling to take advantage of Colombia's victory, he had made the foregoing demands which merely restated those made upon Peru prior to the war.

On September 22, 1829 the Colombian and Peruvian plenipotentiaries, señores Gual and Larrea y Loredo, signed the treaty of Guayaquil. In accordance with its terms, both parties agreed to recognize as the boundaries of their respective territories those of the old viceroyalties of New Granada and Peru before their independence, with certain changes that they would commonly agree upon.² For this purpose they bound one another to establish a natural boundary to prevent disagreement about the frontier. So as to carry out the negotiations as soon as possible, a mixed commission consisting of two members from each republic was to be appointed to survey, study and determine the boundary line according to these stipulations. The boundary commission, furthermore, was to begin its work forty days after the ratification of the treaty and end it within six months. If for any reason the members of the commission should disagree on any point, they were to inform their respective governments, but "continue the task without any interruptions whatsoever."

¹ Vázquez, *op. cit.*, pp. 83-86, 117.

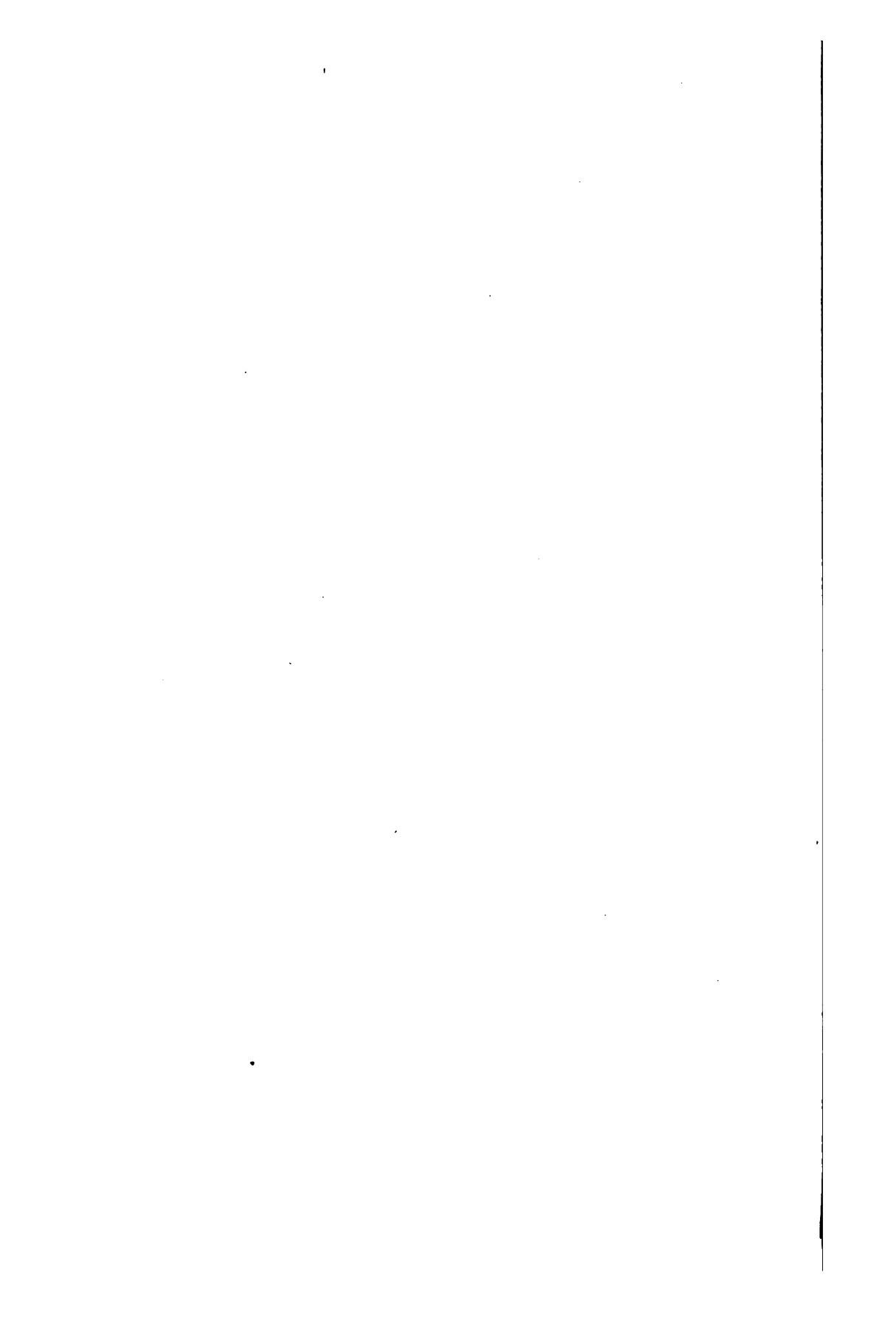
² A. Latino, *op. cit.*, Apéndice No. 2, pp. 91-92.

Thus the line between the former viceroyalties of New Granada and Peru was declared to be the boundary of Colombia and Peru. This of course recognized that the provinces of Mainas, Jaén and Túmbez fell within the limits of Colombia.

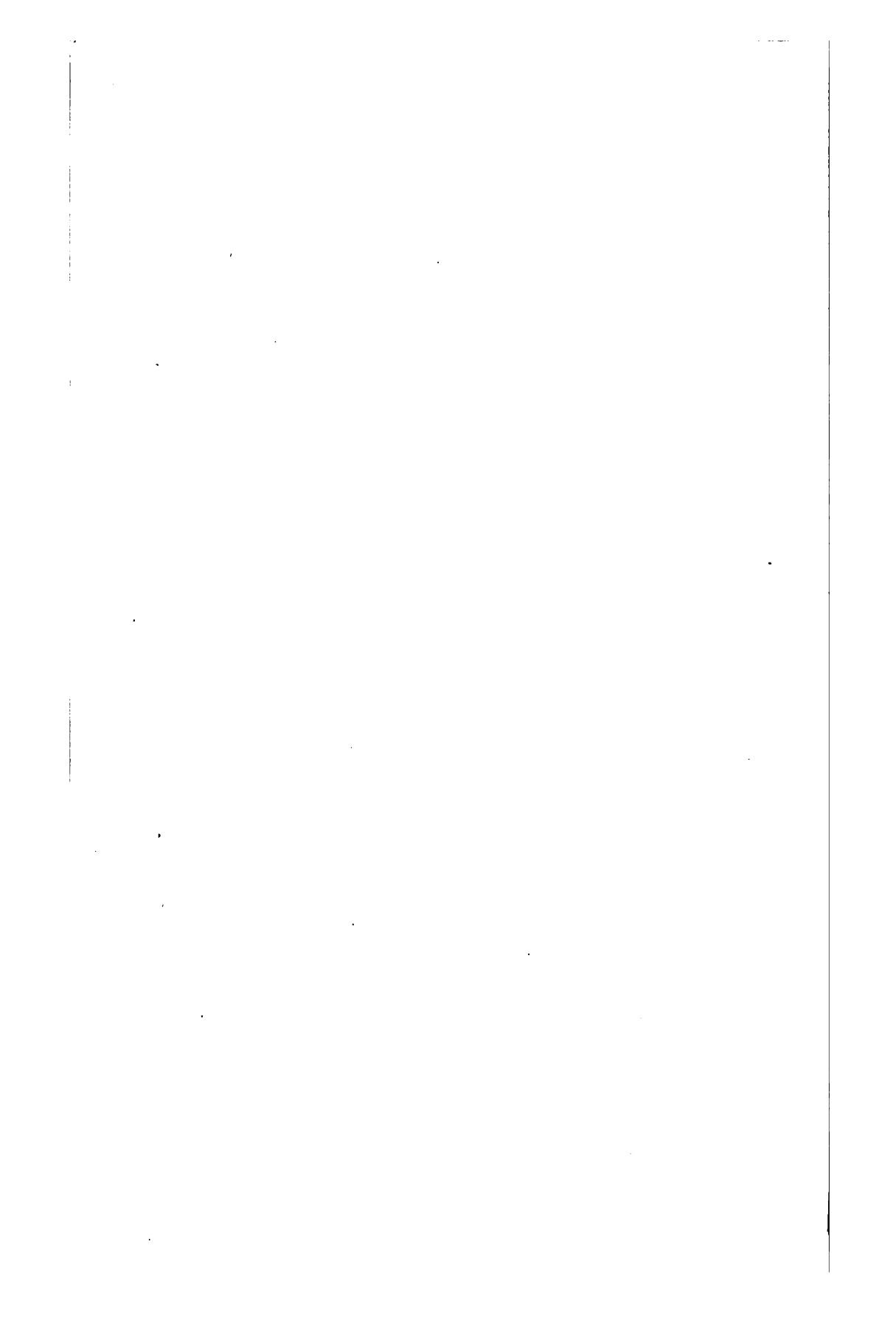
In accordance at all events with the provisions of Article Five of the treaty of 1829, for "making reciprocal concessions of small territories in order to determine the boundary line in a natural and exact manner," the Pedemonte-Mosquera protocol was agreed upon, August 11, 1830, recognizing the Túmbez and Marañón line. There only remained the question whether the boundary line was to follow the Chinchipe or Huancabamba River.¹

Then came the revolution of 1830 which severed Ecuador from Colombia. This event opens a new chapter in the boundary dispute and requires separate treatment.

¹ Vázquez, *op. cit.*, p. 124; Ponce, *op. cit.*, p. 106.



**Development of the Dispute:
From 1829 to the Present Time**



CHAPTER IV.

DEVELOPMENT OF THE DISPUTE: FROM 1829 TO THE PRESENT TIME.

Independent Ecuador, as heir to Colombian claims,¹ has repeatedly demanded from Peru the fulfilment of the treaty of 1829 and the Pedemonte-Mosquera protocol, but Peru has steadily refused. From the day of its separation down to the present time, there have been protracted lulls between the periods of dispute, only to be broken whenever the clashing claims of the two countries became too pronounced.² The events that make up the story were concerned, either with the actual negotiations, or with specific acts of jurisdiction on the part of each of the contestants over the areas affected.

In 1832 a treaty of friendship and alliance was drawn up between Ecuador and Peru. Article XIV states that "until an agreement on the boundary question should be made between the two countries, the present boundaries are to be respected and recogn-

1 Cf. R. Aranda, *Colección de Tratados del Perú*, Vol. V., p. 352; Pardo y Barreda, *Alegato del Perú*, ch. 1, sec. 2.

2 W. R. Shepherd, *The Hispanic Nations of the New World*, p. 184.

ized." Basing its contention on this article, Peru tried to imply that the treaty of 1832 nullified that of 1829, but no such statement is found in the treaty, and on the contrary, Article XIV expressly confirms the validity of the treaty of 1829.¹

Although no negotiations were carried on for the next eight years, neither country was idle in its attempts to exercise jurisdiction over the territory that both claimed. Thus the congress of Ecuador established in 1832 a maritime department with a naval station at the port of Guayaquil, including the river and city of Tumbes on the south which formed part of the disputed area. Though Peru suffered this measure to pass unchallenged, it had created on its own part the same year a department called "Amazonas", in which was incorporated another portion of that area, built there the port of La Laguna and erected a shipyard on the river Marañón.²

No further steps were taken by either country until December 16, 1840, when Ecuador, although engaged in fighting Granadine troops in the north, wished to settle the southern boundary, and accordingly demanded from Peru the fulfilment of the treaty of 1829. Peru proposed a new treaty which Ecuador rejected, submitting instead in 1842 the following proposal based on the treaty of 1829: "The two contracting parties recognize as boundaries of their respective territories those held before their independence under the old viceroyalties of New Gra-

¹ R. Aranda, *op. cit.*, Vol. V, p. 18.

² *Manifiesto de la Junta Patriótica Nacional*, pp. 1-13.

nada and Peru, including within Ecuadorian bounds the provinces of Mainas and Jaén. By special agreements the two states shall make the necessary concessions leading to a natural boundary that will avert further complications."¹

This proved unacceptable to Peru. In the negotiations that ensued there was discernible a distinct and undisguised effort on the part of Peru to avoid the provisions of the treaty of 1829 which, it will be remembered, called for the adjustment of the boundary line on the basis of the possessions of the old viceroyalties of New Granada and Peru. Thus, replying to the Ecuadorian offer of 1842, the Peruvian minister insisted that the boundary should conform to the line that existed before the independence of the two countries, and furthermore that, in view of the fact that the towns which Ecuador claimed had been in Peruvian hands so long, the latter was justified in refusing to return them. At the same time, Peru put forth the royal "cédula" of 1802 by way of justification for its stand.² The reply of Ecuador was simply that the Peruvian contention was in plain violation of the treaty of 1829. Moreover, with regard to the "cédula", the Ecuadorian representative, General Daste, maintained that the latter had no bearing on the issue, because it had been set aside later by the treaty of 1829. Furthermore the "cédula" in itself created no territorial division but merely areas of administration.

¹ Vázquez, *op. cit.*, pp. 131-134.

² *Ibid.*, p. 144.

On March 10, 1853 the dispute came up again, when the Ecuadorian minister informed the government of Peru that Ecuador had passed an act organizing on a political and military basis the Loreto (Mainas) region and other portions of the area at issue which Ecuador considered part of its national territory. In November of the same year, also, Ecuador declared the rivers Chinchipe, Santiago, Morona, Pastaza, Tigre, Curaray, Napo and Putumayo open freely to navigation.¹ Later, upon learning of an American expedition that had obtained from the Peruvian government passports to explore the auriferous region of the Santiago River, Ecuador notified the United States that the region in question lay within Ecuadorian jurisdiction, and that colonizers and explorers would receive encouragement and protection under the Ecuadorian law of 1853.²

On its part Peru was quite as active in asserting jurisdiction over parts of the disputed area. Supplementing a colonization law of 1845 for this region, in 1853 it opened a port in Nauta, organized the Loreto (Mainas) into a Peruvian province, and occupied Pebas, Orán, La Laguna, Tarapoto, Pachira, Yapaya, Belén, Sarayacu, Catalina and Sierra Blanca. In 1854, moreover, Peru and Brazil declared themselves to be joint owners of the Amazon, Peru being adjudged the owner of the upper part of the river. In the same year Peru also appointed a gov-

¹ Vázquez, *op. cit.*, p. 150.

² *Ibid.*, pp. 153-154.

ernor over the district comprising Andoas, Sander, San Antonio, Borja, Santa Teresa, Limón and Baranca.¹

In 1860 the government of Ecuador fell into the hands of General Franco, who exercised the executive power under the title of "Supreme leader of Guayaquil." Under these circumstances, Peru managed to have Franco sign the treaty of Mapasinge, in which the provisions of the "cédula" of 1802 were taken into consideration. This action so greatly stirred the public against him that it hastened his downfall. Neither the government of Peru nor the Ecuadorian national convention of 1861 ratified this arrangement.² Peru, nevertheless, insisted on its execution, and on August 24, 1861 made a demand to this effect. Ecuador refused to heed it, on the ground that the so-called treaty had been ratified neither by Peru nor by the Ecuadorian congress, declaring instead that the treaty obligations of 1829 should be adhered to. Sr. Carvajal, the Ecuadorian envoy, asked that the commission authorized by that treaty be appointed to adjust the differences left open by it. In the event that the report of the commissioners be unacceptable to both parties, it should be submitted to the adjudication of an acceptable arbitrator. "In the meantime," declared Sr. Carvajal, "I do not consider a legitimate cause for war a question that was settled by the treaty of 1829."³

¹ P. Moncayo, *Cuestión de Límites entre el Ecuador y el Perú*, pp. 66-67.

² *Manifiesto de la Junta Nacional*, pp. 1-13.

³ Vázquez, *op. cit.*, p. 168.

But Peru was unwilling to admit the conclusiveness of the treaty of 1829 or to abide by its terms. On January 11, 1864, apparently with a view to settling political, territorial and economic disputes that more or less troubled most of the South American countries, it suggested that all of these states meet in general conference amicably to adjust their differences. To this Ecuador declared in reply that it believed it absolutely necessary for the republics to convene for this purpose, since only in that way could their true interests and needs be given due discussion. Brazilian boundary questions, in particular, it asserted, should be considered, since Ecuador, Colombia, and Venezuela were all concerned with them. But the matter pending between Ecuador and Peru, so Ecuador contended, should not be submitted to the congress of plenipotentiaries, because the government of Ecuador stood ready to carry out faithfully the treaty of 1829 which provided for means of settlement.¹

The failure to reach any adjustment through diplomatic channels, however, did not deter Ecuador and Peru from pursuing their old policy of colonizing and regulating the territory in dispute as measures obviously aimed at strengthening their respective claims. Thus in 1866, in accordance with a law of the preceding year, the Congress of Ecuador granted one of its nationals certain privileges for the opening of a road along the river Morona and for

¹ Vázquez, *op. cit.*, pp. 172-174.

the settlement of a district between that river and the Manseriche rapids.¹

Peru, on its part, passed an act in 1868 by which settlement on the banks of the Amazon should be stimulated by grants of land to prospective immigrants. There was sharp objection to this move on the part of Ecuador, and Sr. Flores, the minister of Ecuador in Lima, notified the Peruvian government that neither the act in question nor the granting of land could be allowed to infringe upon the prior rights of Ecuador in the region. Again, in 1874, the despatch by Peru of a scientific expedition through the rivers of the Oriente drew from the Ecuadorian foreign minister, Sr. León, the following protest: "Since these acts tend to affect injuriously the property rights of Ecuadorian nationals, my government solemnly protests against them, and against any other jurisdictional act that might take place in the future." Despite these protests, Peru gradually extended its authority over the disputed area.

The fruitless negotiations of 1864 were resumed in 1870. At this time Peru, which was adjusting its unsettled boundary with Brazil, proceed to assign a portion of the Oriente region to that country by way of satisfying its claims. On January 15, the Ecuadorian foreign minister informed the Peruvian government that Ecuador would not recognize any of the acts, stipulations or titles associated with this

¹ Vázquez, *op. cit.*, pp. 172-173.

procedure which might violate in any way the just prerrogatives and claims of Ecuador. He took occasion also to reiterate the Ecuadorian demand that the treaty of 1829 be adhered to, and that a mixed commission be authorized to fix the long unsettled boundary line.¹

From now on events assumed a radical turn. Hitherto the negotiations between the two countries had proved practically barren of result. On the other hand the conflicting laws relative to jurisdiction over the disputed area, which each country passed in rivalry with its opponent, sharpened the points of difference between them. Conscious of the inefficacy of these methods to settle a controversy behind which always lurked the menace of war, both nations agreed on August 1, 1887 by the Espinosa-Bonifaz treaty of arbitration, to submit the dispute to the arbitral judgment of the king of Spain.²

The substance of the Ecuadorian claim was stated as follows: "First, that the governments of Ecuador and Peru, in the terms that your majesty may deem wise, instruct the commission provided for in Article 6 of the treaty of 1829, to fix the boundary line between the two states on the basis of the demarcation of the old viceroyalties of New Granada and Peru, according to the "cédula" of 1563 of the old "audiencia" and presidency of Quito, wholly incorporated into the viceroyalty of New Granada, first in

¹ Vázquez, *op. cit.*, p. 174.

² A. Latino, *op. cit.*, Appendix No. 3, p. 73; Cornejo y Osma, *op. cit.*, Vol. III, 47.

1717 and then in 1739, in accordance with the tenor of the Colombian negotiation of the treaty of peace of 1829, when the articles on boundary were drawn up, which were as follows: The mouth of the river Túmbez in the Pacific, expressly fixed by the treaty of 1829, the course of that river to its most southern point, a line to the river Alamor, the course of this river to its confluence with the Chira, the course of this river as far as the river Macará to its source, then a line that crossing the cordillera of Ayavaca would come southward to lake Huarangas, from there follow the present dividing line between the provinces of Jaén and Huancabamba to the Huancabamba River near Chichahua, thence along this river to the top of the cordillera which divides the province of Jaén from that of Lambayeque as far as Querecotillo; from thence a line to the source of the river which runs to the south of Querecotillo including this town within Jaén; from the confluence of that river with the Chota to the river Chipre; from this point a line that cutting the river Llaucán would reach the Marañón or Amazon, including Pimpin-gos, Cujillo and Pión within the line, follow the Marañón as far as the river Lonia; thence a line along the foot of the cordillera rising over Lonia and Jamón (Yamón?), including these towns within the line of demarcation, and following the Amazon as far as the river Utcubamba, including the towns of Bagua, Chira, Copallín, and Peca as far as the post of Chuchunga, from there a line to the Oriente as far as Jéveros, so that this town will be included

within Ecuadorian territory; from Jéveros another line in the same direction that, cutting the course of the Huallaga and Ucayali, would follow as far as the confluence of the river Gálvez (Ygarape-pichuna) with the Yaraví and finally the course of the Yaraví to the Tabatinga."¹

Peru, on its part, asked the arbitrator to fix the frontier between the provinces of Jaén and Loja, between Mainas and Pichincha, and between Túmbez and Guayaquil.² From this it is apparent that Peru, violating the treaty of 1829 and the Pedemonte-Mosquera protocol of 1830 which raised the real controversial point, whether the boundary line ought to be traced through the Chinchipe or the Huancabamba river, thought that the only point of controversy was, to what point Peruvian ownership of those provinces should extend.

While the king of Spain's decision was being delayed, the two nations negotiated independently the García-Herrera treaty of May 2, 1890,³ in accordance with Article Six of the convention of 1887, which provided that, while the arbitrator studied the matter, Ecuador and Peru could enter into direct negotiations and settle the dispute regardless of the pending arbitration.⁴ By it Ecuador was to receive

¹ Vázquez, *op. cit.*, pp. 300, 266; M. F. Paz Soldán, *Atlas Geográfico del Perú.*

² Cornejo y Osma, *op. cit.*, Vol. IV, pp. 155, 10-18; Pardo y Barreda, *op. cit.*, p. 150.

³ Cornejo y Osma, *op. cit.*, Vol. III, pp. 83-97; S. Alvarez Arteta, *La Cuestión de Límites entre las Repúblicas del Ecuador y del Perú, Apuntes y Documentos*, p. 8.

⁴ Latino, *op. cit.*, Appendix, No. 3, p. 93.

the northern Amazonian tributaries, with the exception of the lower Napo. The treaty in fact approximated very closely arrangements laid down in the Peruvian Congress of 1892 and 1893, which however, called for certain modifications that would give to Peru the lower courses of the rivers Santiago, Morona, Pastaza and Tigre. Ecuador did not accept these changes and the treaty remained unratified. Accordingly the question reverted to the status otherwise created by the arbitration convention of 1887.¹

It was not until February 19, 1904 that the Cornejo-Valverde protocol was signed, with the understanding that the only point of controversy was that left open to discussion by the Pedemonte-Mosquera protocol—that is whether the boundary line was to be the Chinchipe or the Huancabamba River. On this ground Ecuador and Peru agreed to ask the Spanish crown to continue as arbiter and to appoint a delegate to study the boundary question in the archives of Quito and Lima. On January 29, 1905 Sr. Ramón Menéndez Pidal, on behalf of the royal arbiter, called a conference of Ecuadorian and Peruvian delegates at Quito to discuss the problem. The Spanish envoy asked both countries to evacuate the territory occupied by their respective military forces in the Napo region, Ecuador as far as Quito and Peru as far as Iquitos, as a means of showing a friendly attitude of the nations toward each other and their willingness to submit to arbitration. Both

¹ Cornejo y Osma, *op. cit.*, Vol. III, pp. 99-101.

countries agreed to withdraw their military forces.¹ Ecuador obeyed to the letter, whereas Peru left part of its forces in the region between the Putumayo and the Santiago rivers.²

In the meantime Sr. Cornejo repudiated at the last minute the Cornejo-Valverde protocol, thus making unnecessary the visit of the royal delegate. Coincidently, a draft of award by the Spanish crown unfavorable to Ecuador became known. It put aside all Ecuadorian claims based upon the boundary lines of the viceroyalties of New Granada and Peru, the treaty of 1829,³ and the Pedemonte-Mosquera protocol of 1830 which put the treaty into execution. Peru was to be given the Oriente region and Ecuador reduced to a very small area. Under these circumstances Ecuador and Peru were brought to the verge of war,⁴ which would have been precipitated if the verdict had been given in the form that became known; and since war was exactly what the countries wished to avoid, the king of Spain decided not to proceed with the arbitration, but to leave the two countries at liberty to initiate anew negotiations which were started on a former occasion, expressing a hope that the parties would reach a satisfactory understanding, but Peru refused to accept this form of settlement, thus violating Article Six of the treaty of arbitration.⁴ Close upon the ensuing popular ex-

1 Cornejo y Osma, *op. cit.*, Vol. III, pp. 109-110.

2 *Ibid.*, p. 111.

3 Enock, *op. cit.*, pp. 95-96.

4 A. Flores y Caamaño, *Ecuador and Perú, A Resumé of the Boundary Controversy*, pp. 13-14.

citement came the rapid mobilization of troops. To avert the danger of war, mediation was offered by Brazil, Argentina, the United States and the Hague tribunal. Ecuador replied that since Article Six of the Convention of 1887 was in force, a solution by direct negotiations was thus provided for and was the only legal and proper way to bring about a satisfactory solution.¹

Then followed a period of political ebb and flow in Ecuador. With revolution rending the country, the question of the boundary line was neglected. During this period of trouble and change for Ecuador, Peru advanced her occupation in nearly the whole of the disputed territory.

In the early part of the last decade, Ecuador acquired political stability and once again the boundary controversy came to the fore. In 1919, when the Ecuadorian *teniente político* or local magistrate in the Huasaga (Oriente) region was imprisoned by the Peruvians, Ecuador's formal protest went unheeded.² Peru, nevertheless, evinced a willingness to negotiate directly with Ecuador, but no results were reached, except the resignation of the Ecuadorian plenipotentiary who had attempted to bring about a settlement.

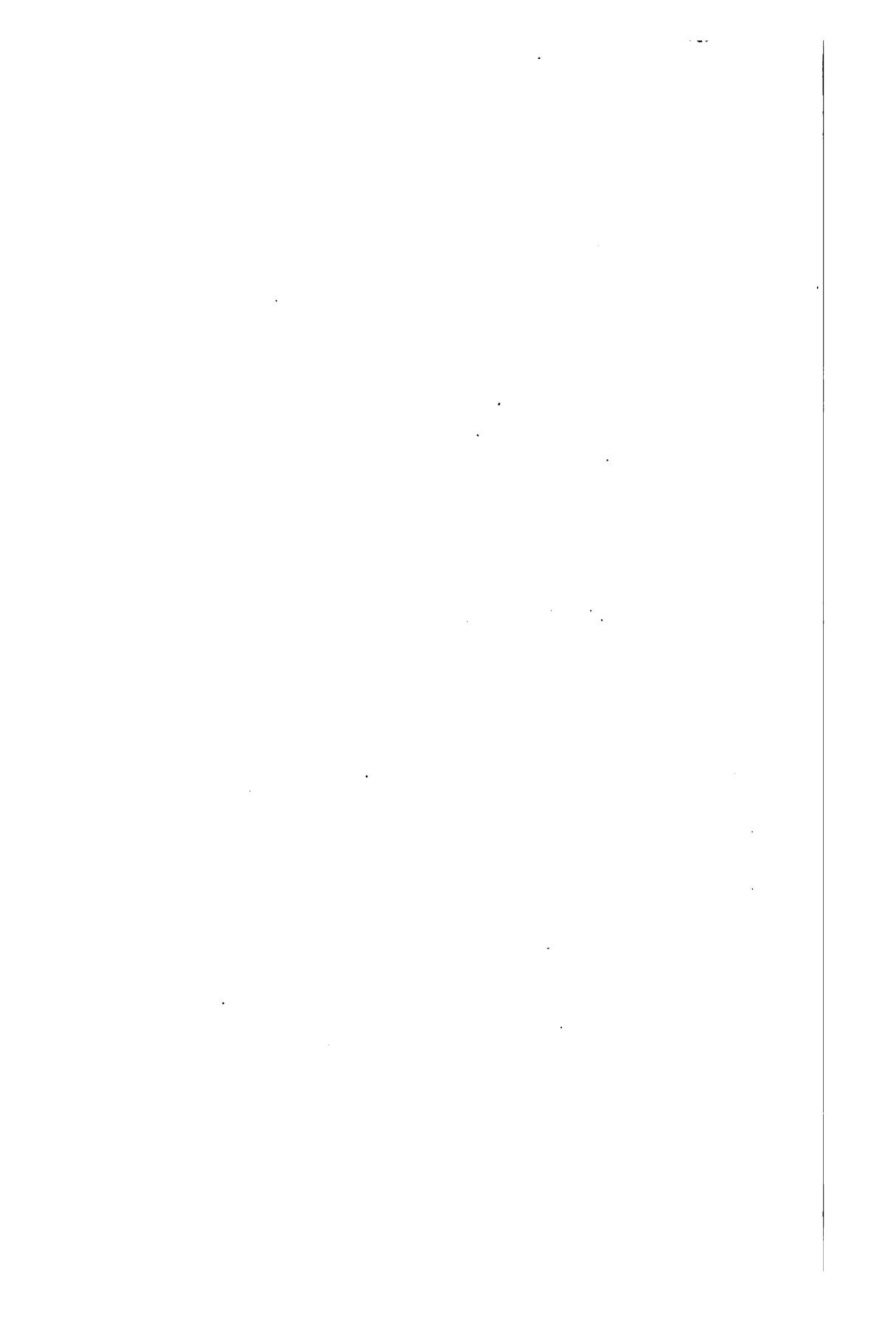
Thus from the time Ecuador established its independence in 1830 to the present have the efforts of almost a century to effect a solution of the

¹ *Documentos Diplomáticos*, second series, Quito, September 9, 1910, pp. 51-58.

² José Peralta, *Compte Rendu*, pp. 71-72.

boundary dispute come to nought. Indeed events have taken such a turn as to leave the Ecuadorians in an angry and resentful frame of mind against what they consider the extravagant and inordinate claims of Peru.

The Respective Claims



CHAPTER V.

THE RESPECTIVE CLAIMS.

In preceding chapters the boundary dispute has been traced historically from its inception to the present time. An attempt will now be made to state the basic arguments that have been adduced by the two nations primarily concerned and to appraise their relative worth.

The Peruvian claims appear to rest upon four main contentions. Of these the first is derived from the right of occupation. On this basis it is asserted that by the "cédula" of 1802 the territory in dispute was transferred to the viceroyalty of Peru, out of a portion of which came the present republic of that name.¹ From that time onward Peru has been in uninterrupted occupation and control of the region. Such a protracted and continuous occupation gives Peru a prescriptive ownership, sanctioned by the principles of international law.

During this period, secondly, Peru has devoted a not inconsiderable portion of its resources, both in-

¹ Cf. *supra*, p. 35.

tellectual and material, to organizing and developing the region in question. From an economic point of view the value of what was formerly an area virtually unknown and undeveloped has been enhanced immeasurably by building roads, erecting towns, establishing ports, and centers of trade and increasing facilities of transportation. These efforts on the part of Peru and the beneficent results flowing from them justify its retaining the territory that it has done so much to improve. In any case it would be manifestly unjust to transfer it to Ecuador, which has had no part in the process of betterment.¹

In the third place, Peru denies categorically that Ecuador is the legitimate heir of Colombia, and that accordingly it has no right to assert a claim to the Oriente region. A seceding state may not uphold the international claims of the parent country.²

Owing to the small size, meager resources and consequent lack of power of Ecuador, finally, the latter would be unable to administer the disputed area in any efficient fashion. Were it to be transferred to that nation, the probabilities are that it would erect itself into a separate state, adding further to the international complications from which Hispanic America has suffered, and to a degree as unnecessary as it is dangerous. In the interest, therefore, of South American peace and the future welfare and auspicious development of the

¹ Cornejo y Osma, *op. cit.*, Vol. IV, pp. 150-153.

² *Ibid.*, pp. 155-156.

Oriente region, Peru ought to be permitted to retain possession of it and continue its development.¹

The contentions of Ecuador, similarly, may be presented under five heads. The first is, that by the decree of 1563 the king of Spain awarded Mainas, Quijos and Jaén and any adjoining land that might be explored (i. e. the whole of the region in dispute), to the "audiencia" of Quito,² which in the process of time was incorporated into the Republic of Colombia, from which in turn the Republic of Ecuador emerged with roughly the same boundaries that the old "audiencia" of Quito had had.

Secondly, in accordance with the right conferred by exploration and settlement the disputed area belongs to Ecuador, because missionaries from Quito were the first to establish themselves in this region. Soon after the erection of the "audiencia" and presidency of Quito missionaries from that colonial division founded temporary stations in Mainas.³ In 1595 Jesuits endeavored to reestablish missionary centers along the Santiago, Morona, Pastaza, Napo and Marañón rivers. At the close of the seventeenth century, moreover, they had succeeded in forming a chain of towns eastward as far as the nominal frontiers of Brazil. The missions along the Marañón, in fact, were started under the direction of the president of Quito in 1638, with Borja, the capital of Mainas, as the center. In the track of these mis-

¹ Cornejo y Osma, *op. cit.*, Vol. IV, p. 152.

² Cf. *supra*, p. 34.

³ Caspar de Carvajal, *Descubrimiento del Río de las Amazonas según la Relación hasta ahora Inédita*, p. 472.

sionaries, and indeed owing to their efforts, commerce was stimulated and large amounts of cinnamon and other products were obtained from the Oriente area. By the eighteenth century the missions radiating from Quito extended to the River Negro and as far south as Cuzco and Puno.¹

These stations antedated by a considerable time any penetration into the region by Peruvian settlers. Just as the king of Spain claimed exclusive ownership of the lands first explored and occupied by his subjects, so Ecuador, as the successor of the "audiencia" of Quito, claims exclusive ownership of the Oriente territory as first explored and occupied by persons coming from this province in colonial times. Ownership based on original discovery and colonization is distinctly sanctioned by international law.

These explorations and settlements, accordingly, antedate any by Peru, since occupation by that country of the disputed territory begins with the nineteenth century. Extensive Peruvian control of the greater portion of it, indeed, may be said to date only from the twentieth century.² Peru's occupation of the territory thus was an act of aggression which on all occasions at first Colombia and then Ecuador strenuously opposed.

In the third place, after Peru had been defeated by Colombia in the war of 1829, the former signed the treaty of Guayaquil as well as the Pedemonte-

¹ E. Vacas Galindo, *Exposición sobre los Límites Ecuatoriano-Peruanos*, pp. 388-397.

² *Ibid.*, pp. 380-388; Moncayo, *op. cit.*, p. 34.

Mosquera protocol of 1830 which recognized the Tumbes-Marañón line, and there only remained to be settled whether the boundary line was to follow the Chinchipe or the Huancabamba river. It is upon this obligation that Ecuador has insisted, and one which Peru has steadily refused to perform.¹

Fourthly, when Ecuador seceded from Colombia in 1830 the former inherited the claim of the latter to the area in dispute, a claim that had been sanctioned by the treaty of 1829. Ecuador is the party interested in asserting this claim, because it directly affects its sovereignty, boundaries and sphere of influence as the modern representative of the "audiencia" of Quito to which, by the "cédula" of 1563, the area now in dispute was joined. Ecuador thus is merely affirming the historic right of its political predecessor. Moreover, by word as well as by deed, Peru has both expressly and tacitly recognized that Ecuador in claiming the area in question was not a mere intermeddler. The payment by Peru to Ecuador of the indemnity of 1830 growing out of the war of 1829, and the numerous negotiations between the two countries with regard to the boundary line, show unmistakably a recognition on the part of Peru of the validity of Ecuador's claim to be Colombia's heir and of the *bona fide* nature of Ecuador's assertion.²

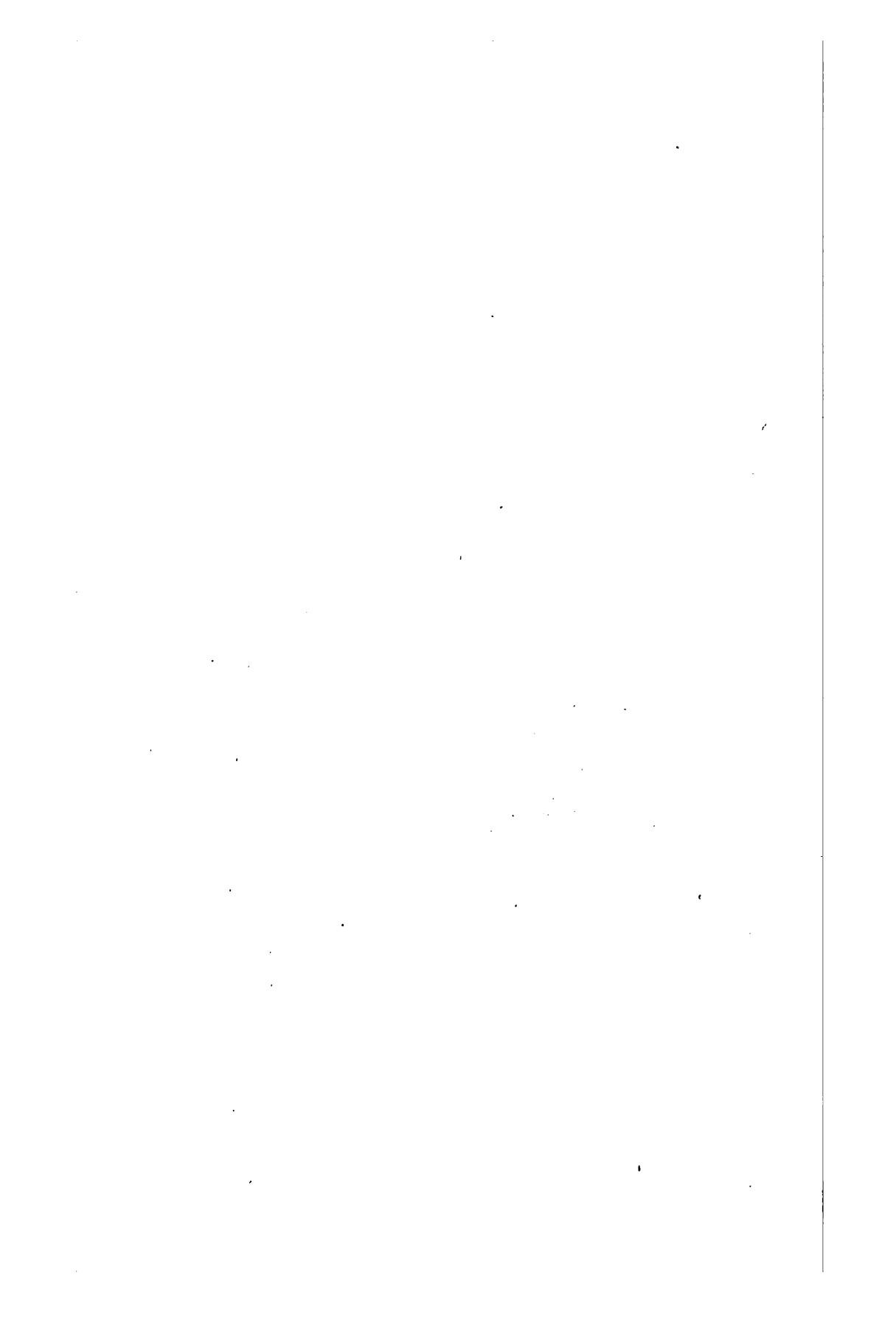
Lastly, in view of the small extent of the present Ecuadorian territory compared with that of Peru,

1 A. Flores y Caamaño, *Ecuador and Perú: A Resumé of the Boundary Controversy*, pp. 11-12.

2 *Manifiesto de la Junta Patriótica Nacional*, Quito, pp. 1-13; Vázquez, *op. cit.*, p. 274.

and given also the relatively limited productive area of the former, a just and wise policy would dictate the assignment to Ecuador of the Oriente region. This would create a more even balance in strength and resources between the two countries. A contrary policy would only aggravate the present disproportionateness of power between the two countries. Indeed the acquisition of the Oriente region with its outlet to the Amazon is essential to the economic development of Ecuador. Moreover, with the Oriente forming part of Ecuador, the latter would be properly delimited by natural boundaries. Geographic homogeneity, as history shows, is a prime requisite, not only for national development but for international peace.

The Merits of the Question



CHAPTER VI.

THE MERITS OF THE QUESTION.

The arguments heretofore stated, upon which the respective cases for Ecuador and Peru rest, have been given baldly and without any attempt at elaboration or detailed proof, to the end that in a general way the point of view of the contestants, and the degree to which they clash, may be understood. Whether any of these arguments are tenable, and if so what weight ought to be assigned them, will now be considered.

It will be observed that Peru does not deny the validity of the Ecuadorian claims dated prior to the year 1802. Up to that year both by the right of original discovery and by virtue of the express grant of 1563 it is admitted that the Ecuadorian claim is superior to that of Peru. Before that year, indeed, there is no ground whatever upon which a Peruvian claim could be based. It is of vital importance, therefore, to determine whether the "cédula" of 1802 which is the taproot of the Peruvian contentions effected any change in the political ownership of the Oriente region.

THE BOUNDARY DISPUTE

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The circumstances under which this "cédula" was issued, the ecclesiastical and administrative purposes that it was designed to subserve, and the suspicious manner in which it was brought to light as a factor in the controversy, have already been adverted to.¹ Additional evidence is not lacking to prove that the cédula of 1802 is a slender reed upon which to rest a righteous claim. Baron von Humboldt, for example, one of the most noted scholars of the time, after a scientific exploration carried on in South America, published a work in which the Amazon was given as the boundary of Ecuador.² Again, in 1840, the Spanish crown, which had issued the "cédula" of 1802, negotiated a treaty with the Republic of Ecuador³ which, in addition to recognizing the independence of that nation, also recognized that the boundaries of the new state were based on those of the presidency of Quito as it was created in 1563. According to the first and second articles of this treaty, his majesty, the king of Spain, renounced forever in the most formal and solemn manner, for himself and his heirs and successors, all rights over the territory known under the old name of the Kingdom and Presidency of Quito, and today the Republic of Ecuador. Furthermore he recognized the Republic of Ecuador as a free and inde-

¹ Cf. *supra*, p. 35.

² Cf. Alexander von Humboldt and Aimé Bonpland, *Personal Narrative of Travels to the Equinoctial Regions of America* (ed. 1900), Vol. II, ch. 23.

³ Alejandro del Cantillo, *Tratados, Convenios y Declaraciones de Paz y de Comercio, etc.*, p. 883.

pendent nation, composed of the provinces and territories specified in its constitutional law which are: Quito, Chimborazo, Imbabura, Cuenca, Loja, Guayaquil, Manabí, the Archipelago of Colón (Galápagos Islands) and any other territories that legitimately belonged or could belong to that republic.

This treaty quite ignores the "cédula" of 1802, or at any rate seems to indicate that it was regarded as having effected no political changes in the status hitherto existing. It is inconceivable that so express a recognition on the part of the Spanish crown that the Oriente region belonged to Ecuador would be made, if the previous "cédula" in question had assigned the disputed area to Peru. It is difficult to believe that the king of Spain could have given an area of land to Peru in 1802 only to restore it to Ecuador in 1840. The more rational interpretation of the matter is that the treaty of 1840, recognizing that the "cédula" of 1802 was purely an administrative measure, effected no political changes whatever, and merely affirmed the historic claim of Ecuador to the region in question.

Moreover, even if it be admitted for the sake of argument that by the "cédula" of 1802 Peru did receive control over Mainas and Quijos, that country agreed by the treaty of 1829 to surrender such control. This treaty, made subsequent to the "cédula", destroys whatever right Peru might claim under the latter. Of course the validity of such a contention is based on the assumption that Ecuador is the proper party to enforce the provision of an international

engagement made by Peru with Colombia. It is upon this point indeed that the contestants stand in sharp contradiction to each other.

A seceding state, of course, may not assert the international claims of the country to which it once belonged. Had the Southern Confederacy been successful in its efforts to withdraw from the United States, for example, it could not of right have demanded payment of a debt that a foreign country had contracted with the government of the United States before the attempt at withdrawal was made. Where, however, a state ceases to exist, it *ipso facto* loses the exercise of all its rights, which are inherited by the states that are formed from it.¹ By the same principle, when a state is divided into two or more new ones, the territorial rights and duties become part of the newly formed states. When partitions take place, the rights and duties are transferred with the territory to the new possessor. Under this principle Ecuador has the undoubted right to claim the disputed area, because its boundaries are directly affected by the claim.

This latter principle, which is decisive in determining the question whether Ecuador is legitimately entitled to the fulfilment of Peru's obligation to surrender the Oriente region, is fortified by historic considerations which show indisputably that Ecuador is the real party interested in the dispute. By the "cédula" of 1563 the Oriente region was assigned to

1 A. B. Hall, *Outline of International Law*, pp. 11-12.

the "audiencia" of Quito, the boundaries of which according to the treaty of 1840 were substantially those of the republic of Ecuador. This "audiencia" formed part of the viceroyalty of New Granada which later became the republic of Great Colombia. But for the inclusion of the "audiencia" of Quito in this republic, the latter would have no ground for claiming the disputed area. In its insistent demands which led to the victorious war of 1829, that the Oriente region be surrendered by Peru, Great Colombia as the sovereign entity was merely asserting its claims derived from the "audiencia" of Quito. Therefore, when that republic disintegrated as a sovereign political entity, from which emerged the new sovereign states of Venezuela, New Granada (now Colombia), and Ecuador, the last named was able to assert in its own sovereign name the claim that Great Colombia had asserted in reality, though not in theory, as the representative of Ecuador, which had once been the "audiencia" of Quito. In other words, the "audiencia" of Quito could not assert its claims to the disputed territory, because it was not a sovereign state. When, however, as the republic of Ecuador it became sovereign there was no legal obstacle to the assertion of its claim in its own name.

Moreover Peru itself has recognized Ecuador as a legitimate and proper party to the dispute. Why otherwise should Peru have paid Ecuador an indemnity growing out of the war of 1829 with Great Colombia? Why should Peru have agreed to submit the boundary dispute to the arbitral decision of the

king of Spain in 1887, if Ecuador were not an heir but a stranger to the dispute? Clearly the conduct of Peru contradicts in every detail its claim that Ecuador did not fall heir to the fulfilment of Peru's obligation to Colombia.

If the foregoing analysis be sound, it follows logically that the "cédula" of 1802, upon which Peru relies so strongly, has no legal validity. The Spanish crown ascribes to it no political importance, and Peru itself by the treaty of 1829 surrendered any rights that could possibly have flowed from it.

If, therefore, reliance upon the "cédula" of 1802 is futile, reliance upon the right of possession emanating from the same source is equally futile. Every act of possession and every measure in furtherance of it on the part of Peru were acts of aggression against Ecuador, which the latter always took occasion to denounce. It is true, of course, that where in cases, on the principle of *res nullius*, a nation obtains possession of land that had not been subjected to ownership, such possession becomes converted into ownership. Similarly, when a nation secures possession of land with the acquiescence of the true owner, such possession enjoyed uninterruptedly and without protest from the true owner, also becomes converted into ownership. But such is not the case here. Peru never was legally justified in taking possession of the Oriente, and Ecuador never acquiesced in this unauthorized occupation. The Peruvian claim to this region, then, in so far as it is based on the fact of possession, falls to the ground.

If the mere fact of possession without an independent legal basis does not give Peru a justifiable claim to the Oriente area, the situation is not altered by the circumstance that Peru's occupation of this region happened to be accompanied by its economic development. Peru is in the position of having improved another's land while asserting, it is true, a claim of ownership, although one which has no legal or historical justification. At best the fact that the Oriente has been developed under Peruvian control can give Peru no more than a claim for compensation; otherwise Ecuador would be unjustly enriched at Peru's expense. On this point, however, it is to be observed that such a consideration does not affect the justice and legality of demanding surrender by Peru of its possession of the Oriente region, but merely the terms on which it should be surrendered. It presupposes that Ecuador is entitled to the ownership of the area concerned, even while it recognizes that Ecuador ought to pay for whatever benefit the territory may have acquired in a direct way from Peru. Against this item of compensation may be set down the loss or damage to Ecuador resulting from this protracted deprivation of its right of ownership. That both these items of pecuniary loss and gain are speculative in the highest degree is an admissible contention. But surely they would not overtax the abilities of a mixed commission to reduce them to a concrete amount satisfactory to both parties.

The assertion on the part of Peru, that Ecuador

would be too feeble adequately and efficiently to manage the Oriente region, calls for no serious consideration. While it is true that Peru's population is double that of Ecuador, the actual territory of Peru is also double that of Ecuador. This greater man-power of Peru gives that nation an advantage that is more apparent than real. On the assumption that the adequate development of the territory of Ecuador would absorb the total human resources of Ecuador, it would be equally true that the adequate development of Peru's territory would also absorb all its human resources. In this respect, as in most others, Peru is in the same position as Ecuador, except on a larger scale. Moreover, the development of the Oriente region was not consummated so much through Peruvian enterprise as through the aid of foreign capital;¹ and it has not yet been suggested that Ecuador would be any less competent than Peru to invite foreign capital to develop that region; nor is there any doubt that the Ecuadorians during the past century have manifested a sincere, strong, and unalterable desire to undertake such a task of development. Under all circumstances, indeed, the claim of Ecuador is so solid, legally and historically, that an objection on the ground of an alleged inability of that nation to develop its own property must be set down as wholly frivolous.

There remains the final consideration of the importance of the Oriente region to the welfare of

¹ Vacas Galindo, *op. cit.*, p. 401.

Ecuador. On that score little may be added to the cogent language of an impartial foreign observer:

"It would seem that the boundaries of Ecuador and Peru—boundaries which have been so debatable and dependent upon somewhat obscure decrees—might be laid down now with some idea of proportion and stability. To give one nation a strip of land stretching arbitrarily behind or around another nation, or cutting such off from access to navigable rivers, is irrational and unwise, and only lays the foundation for disturbance in the future. That one modern division of this formerly united Spanish territory should enjoy vast areas of territory entirely disproportionate to its population, while an adjoining one, of not greatly less population, is limited to a narrow zone, is unnatural. Natural boundaries are best; a spirit of sane compromise would permanently establish good feelings between such nations, especially those which are in reality of the same blood and whose people are almost undistinguishable one from the other.

A natural boundary for Ecuador and Peru would seem to have been the Marañón River, the impartial geographer might, without offense, venture to think. It runs east and west, is navigable, and receives from both countries great navigable affluents in opposite directions—affluents in Ecuador coming from the north and in Peru from the south. It would be difficult to find a more natural line of demarcation, if it were possible to agree upon it. South of this line Peru enjoys enormous areas of rich and undeveloped

territory, far greater than that of Ecuador..... For Peru to control an almost isolated strip of territory on the Putumayo River, between Ecuador and Colombia, such as is claimed, seems to be striving to map out the land unnaturally and to sow upon it the seeds of future discord."¹

¹ Enoch, *op. cit.*, pp. 101-102.

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MAPS.

A New Map of South America from the latest authorities by John Cary, Engraver, 1807.

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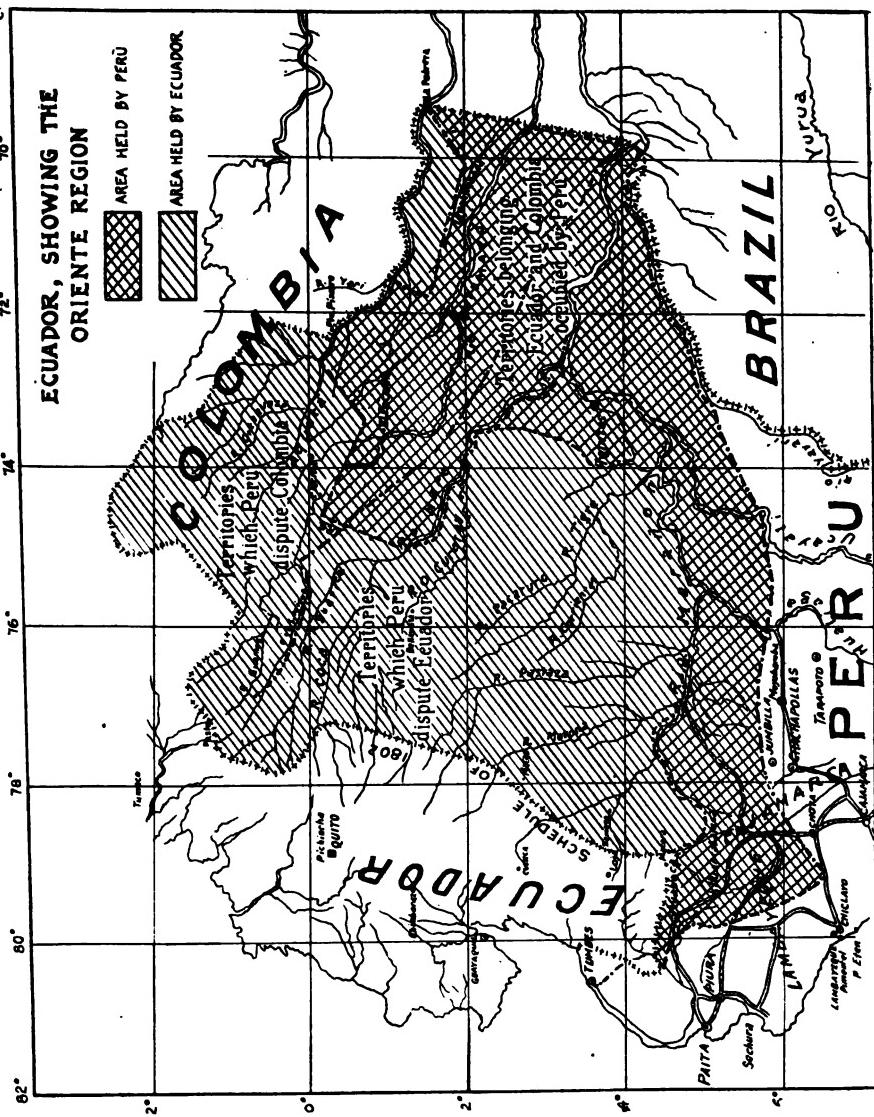


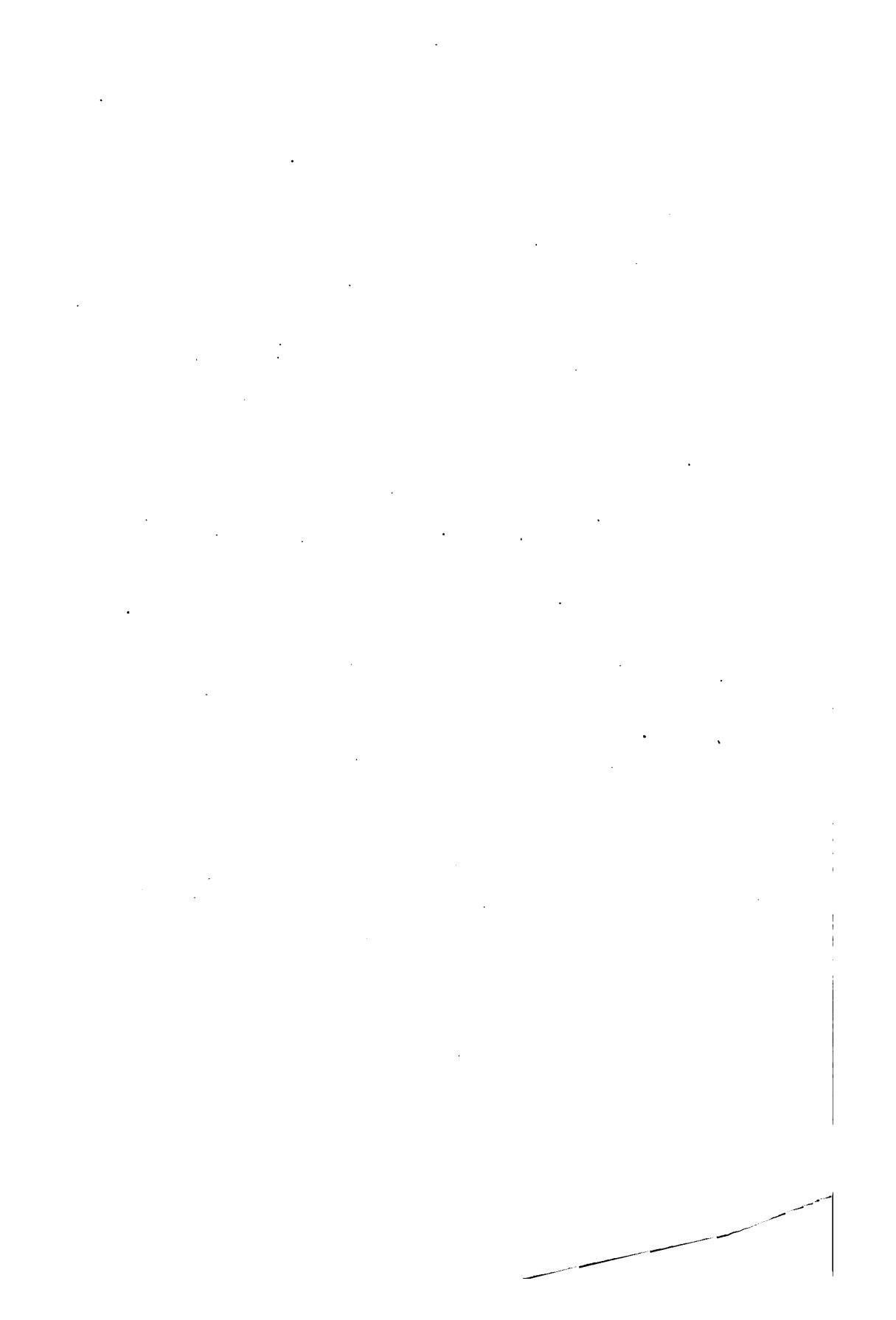
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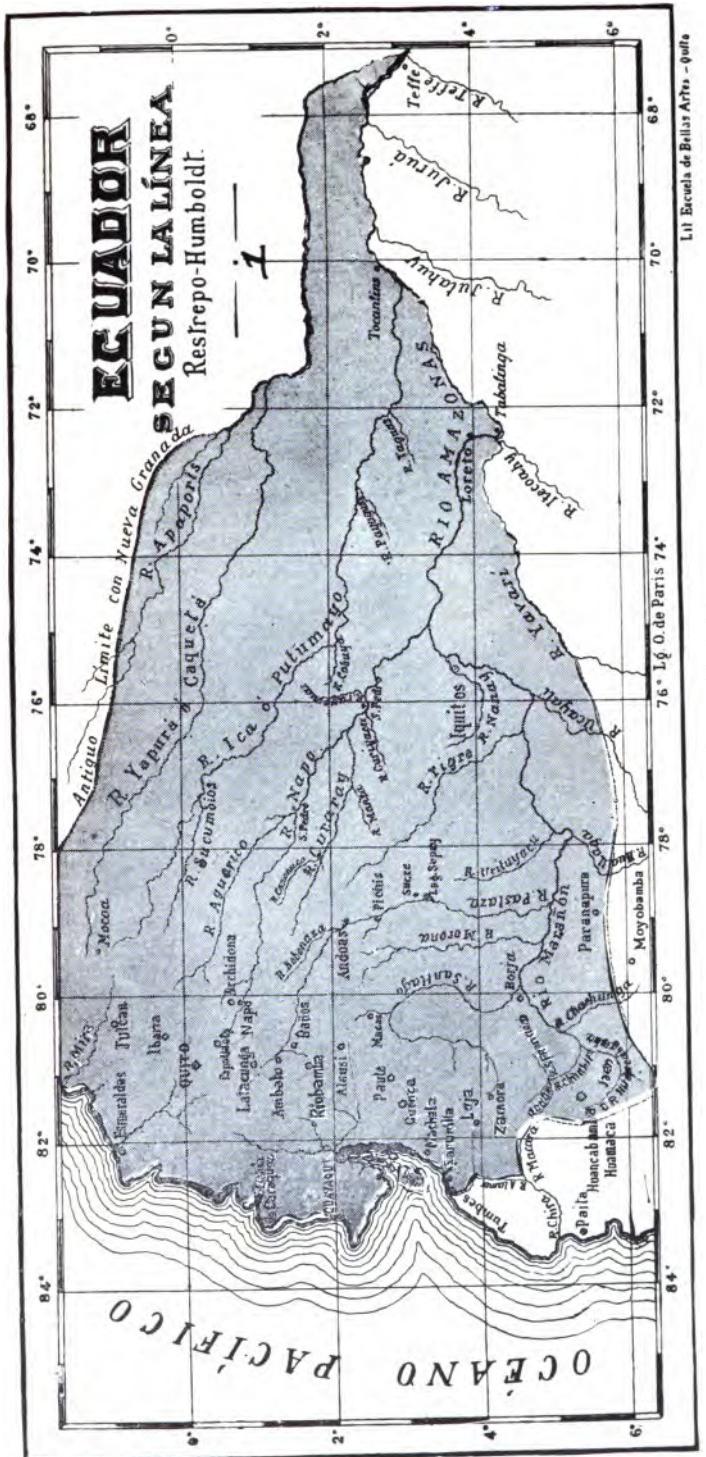
The writer was born in Quito, Ecuador, South America, where she studied at the *Colegio Manuela Cañizares*. She held a government scholarship when she came to study in the United States. In 1919 she was graduated with the degree of A. B. from Hunter College of the City of New York, where her major subject was history, and where she is now teaching Spanish. For the year 1919-1920 she was awarded a Curtis University Scholarship in history at Columbia University, where she received the degree of A. M. and a Teacher's Diploma in history in 1920. While at Columbia, she studied under Professors Shepherd, Dunning, Hazen, Schuyler, Kendrick, Johnson and Giddings.



**ECUADOR, SHOWING THE
ORIENTE REGION**

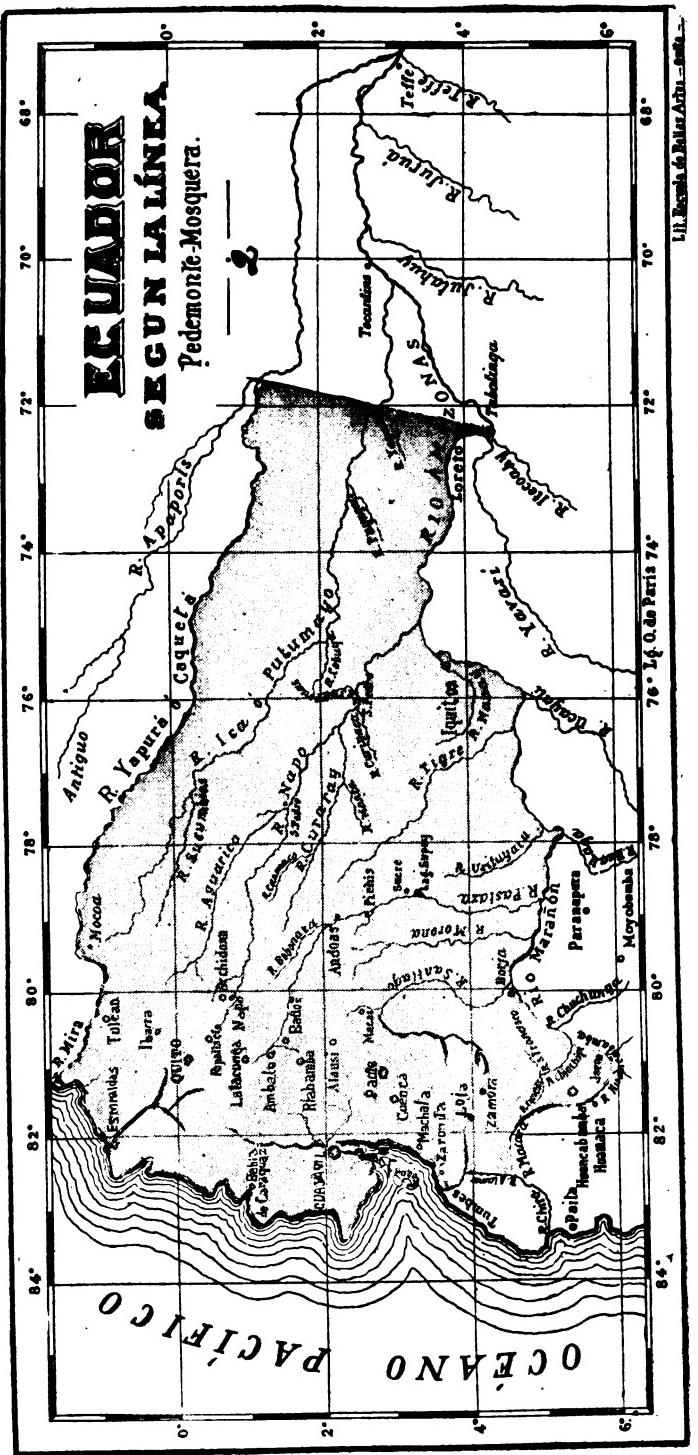






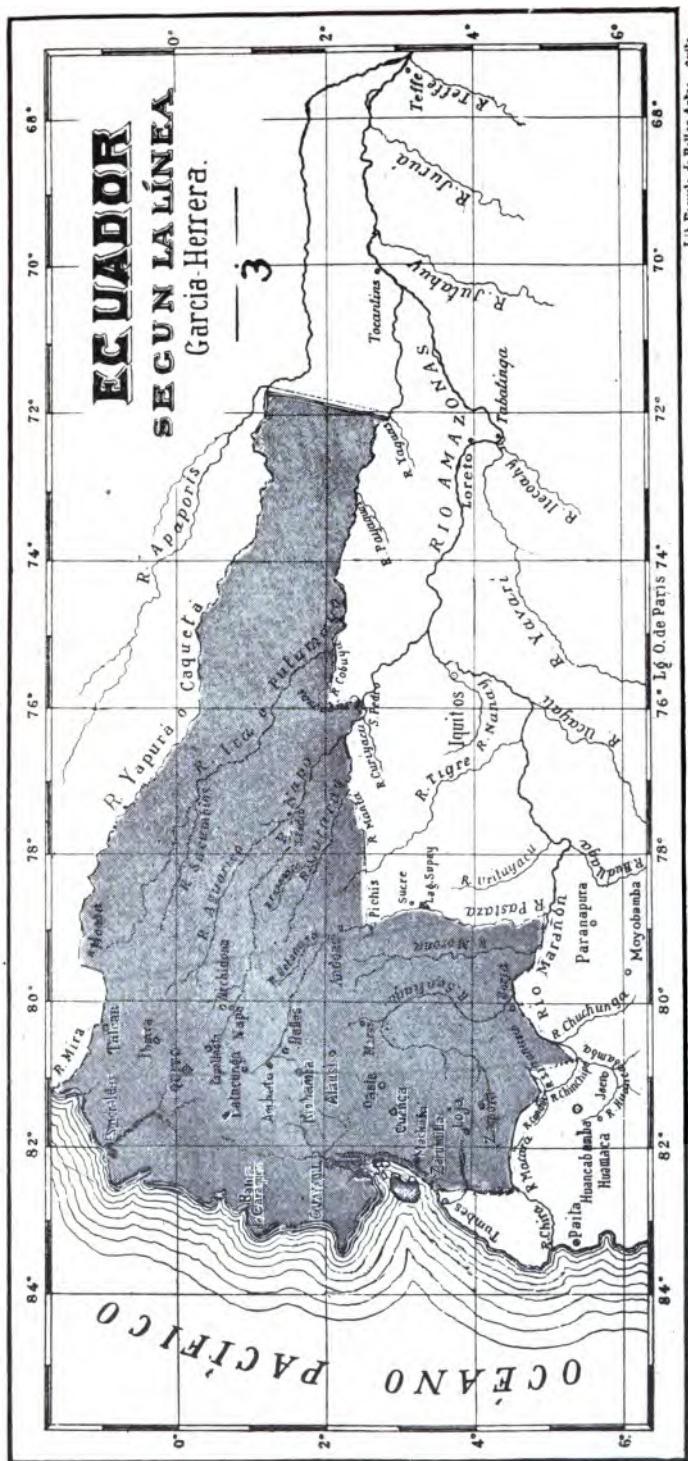
Ecuador in Colonial Times.





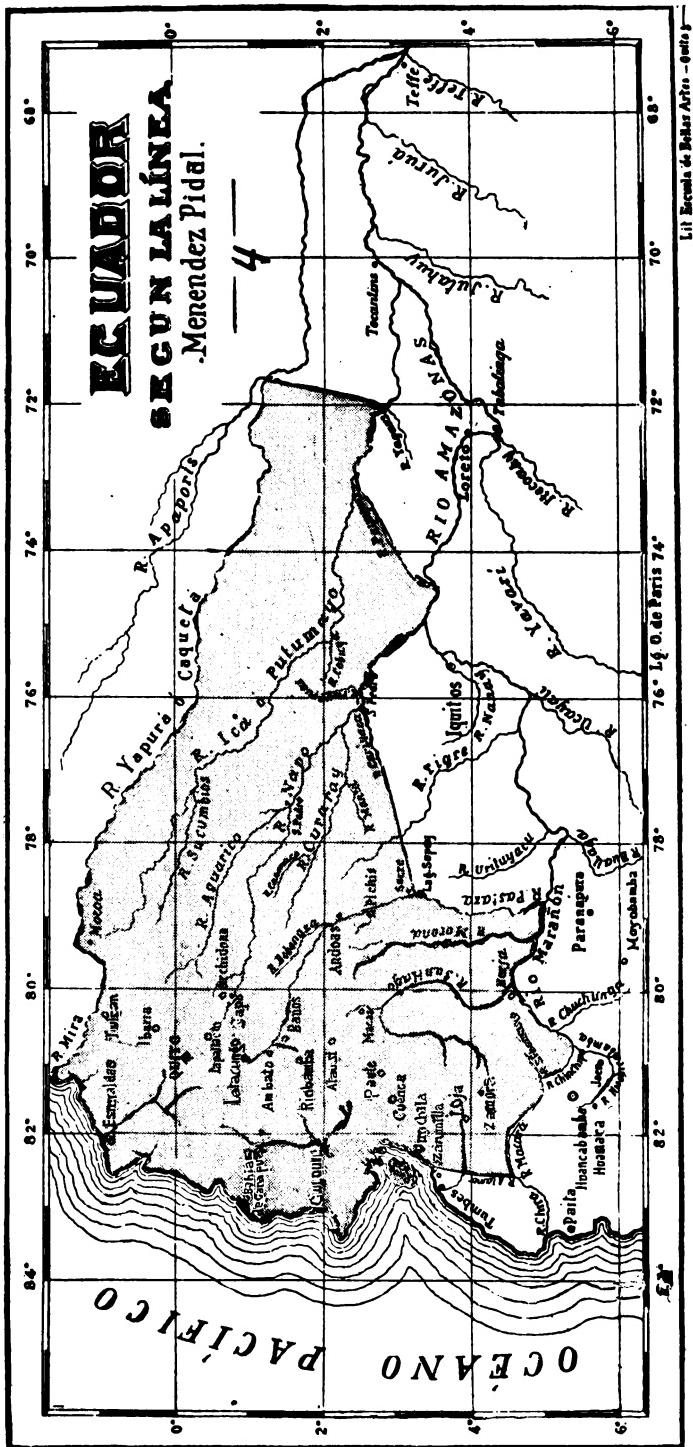
Ecuador according to the Convention of 1830.

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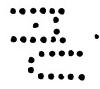


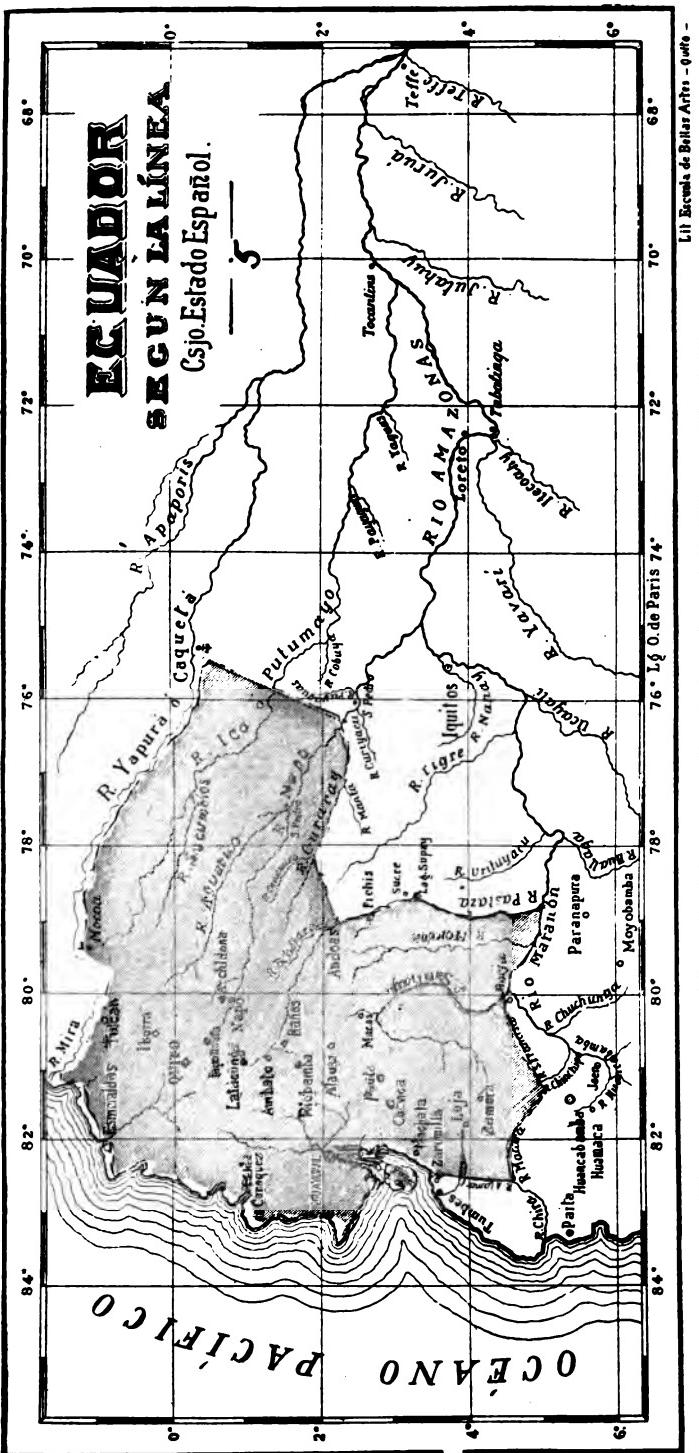
Ecuador according to the García-Herrera Treaty of 1890.





Ecuador according to the Menéndez Pidal Decision.





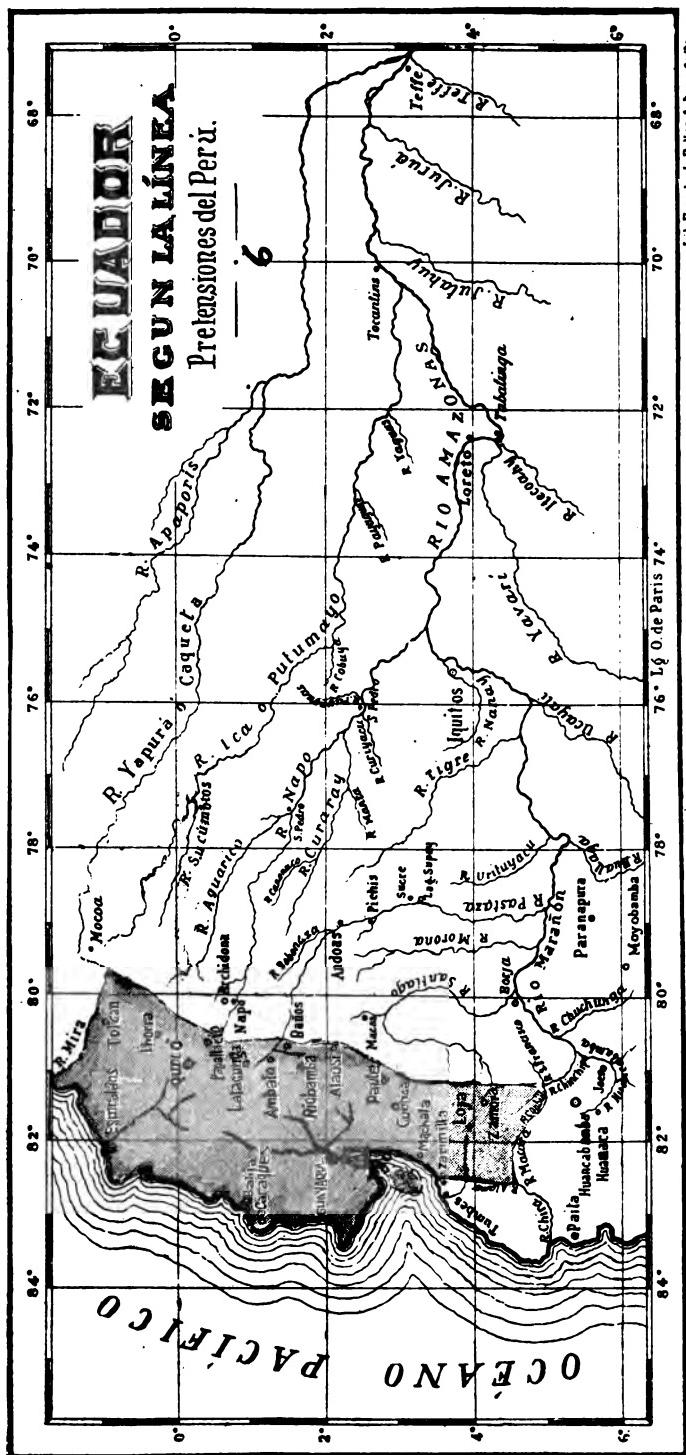
Ecuador according to the award of the Spanish Council of State.

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Ecuador according to the Peruvian Claims.

